

FIRST REGULAR SESSION

SENATE BILL NO. 255

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SCHAAF AND HOLSMAN.

Read 1st time January 15, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1398S.011

AN ACT

To repeal section 195.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 195.010 as enacted by house bill no. 641, ninety-sixth general assembly, first regular session, section 195.017 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 195.017 as enacted by house bill no. 641, ninety-sixth general assembly, first regular session, RSMo, and to enact in lieu thereof seven new sections relating to industrial hemp, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 195.010 as enacted by senate bill no. 491, ninety-
2 seventh general assembly, second regular session, section 195.010 as enacted by
3 house bill no. 641, ninety-sixth general assembly, first regular session, section
4 195.017 as enacted by senate bill no. 491, ninety-seventh general assembly,
5 second regular session, and section 195.017 as enacted by house bill no. 641,
6 ninety-sixth general assembly, first regular session, RSMo, are repealed and
7 seven new sections enacted in lieu thereof, to be known as sections 195.010,
8 195.017, 195.203, 195.600, 195.603, 195.606, and 579.087, to read as follows:

195.010. The following words and phrases as used in this chapter and
2 chapter 579, unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled
4 substances to such an extent as to create a tolerance for such drugs, and who does
5 not have a medical need for such drugs, or who is so far addicted to the use of
6 such drugs as to have lost the power of self-control with reference to his or her
7 addiction;

8 (2) "Administer", to apply a controlled substance, whether by injection,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 inhalation, ingestion, or any other means, directly to the body of a patient or
10 research subject by:

11 (a) A practitioner (or, in his or her presence, by his or her authorized
12 agent); or

13 (b) The patient or research subject at the direction and in the presence of
14 the practitioner;

15 (3) "Agent", an authorized person who acts on behalf of or at the direction
16 of a manufacturer, distributor, or dispenser. The term does not include a common
17 or contract carrier, public warehouseman, or employee of the carrier or
18 warehouseman while acting in the usual and lawful course of the carrier's or
19 warehouseman's business;

20 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
21 attorney general authorized to investigate, commence and prosecute an action
22 under this chapter;

23 (5) "Controlled substance", a drug, substance, or immediate precursor in
24 Schedules I through V listed in this chapter;

25 (6) "Controlled substance analogue", a substance the chemical structure
26 of which is substantially similar to the chemical structure of a controlled
27 substance in Schedule I or II and:

28 (a) Which has a stimulant, depressant, or hallucinogenic effect on the
29 central nervous system substantially similar to the stimulant, depressant, or
30 hallucinogenic effect on the central nervous system of a controlled substance
31 included in Schedule I or II; or

32 (b) With respect to a particular individual, which that individual
33 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
34 the central nervous system substantially similar to the stimulant, depressant, or
35 hallucinogenic effect on the central nervous system of a controlled substance
36 included in Schedule I or II. The term does not include a controlled substance;
37 any substance for which there is an approved new drug application; any
38 substance for which an exemption is in effect for investigational use, for a
39 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
40 (21 U.S.C. Section 355) to the extent conduct with respect to the substance is
41 pursuant to the exemption; or any substance to the extent not intended for
42 human consumption before such an exemption takes effect with respect to the
43 substance;

44 (7) "Counterfeit substance", a controlled substance which, or the container

45 or labeling of which, without authorization, bears the trademark, trade name, or
46 other identifying mark, imprint, number or device, or any likeness thereof, of a
47 manufacturer, distributor, or dispenser other than the person who in fact
48 manufactured, distributed, or dispensed the substance;

49 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
50 from one person to another of drug paraphernalia or of a controlled substance, or
51 an imitation controlled substance, whether or not there is an agency relationship,
52 and includes a sale;

53 (9) "Dentist", a person authorized by law to practice dentistry in this
54 state;

55 (10) "Depressant or stimulant substance":

56 (a) A drug containing any quantity of barbituric acid or any of the salts
57 of barbituric acid or any derivative of barbituric acid which has been designated
58 by the United States Secretary of Health and Human Services as habit forming
59 under 21 U.S.C. Section 352(d);

60 (b) A drug containing any quantity of:

61 a. Amphetamine or any of its isomers;

62 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

63 c. Any substance the United States Attorney General, after investigation,
64 has found to be, and by regulation designated as, habit forming because of its
65 stimulant effect on the central nervous system;

66 (c) Lysergic acid diethylamide; or

67 (d) Any drug containing any quantity of a substance that the United
68 States Attorney General, after investigation, has found to have, and by regulation
69 designated as having, a potential for abuse because of its depressant or stimulant
70 effect on the central nervous system or its hallucinogenic effect;

71 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
72 ultimate user or research subject by or pursuant to the lawful order of a
73 practitioner including the prescribing, administering, packaging, labeling, or
74 compounding necessary to prepare the substance for such delivery. "Dispenser"
75 means a practitioner who dispenses;

76 (12) "Distribute", to deliver other than by administering or dispensing a
77 controlled substance;

78 (13) "Distributor", a person who distributes;

79 (14) "Drug":

80 (a) Substances recognized as drugs in the official United States

81 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
82 Official National Formulary, or any supplement to any of them;

83 (b) Substances intended for use in the diagnosis, cure, mitigation,
84 treatment or prevention of disease in humans or animals;

85 (c) Substances, other than food, intended to affect the structure or any
86 function of the body of humans or animals; and

87 (d) Substances intended for use as a component of any article specified in
88 this subdivision. It does not include devices or their components, parts or
89 accessories;

90 (15) "Drug-dependent person", a person who is using a controlled
91 substance and who is in a state of psychic or physical dependence, or both, arising
92 from the use of such substance on a continuous basis. Drug dependence is
93 characterized by behavioral and other responses which include a strong
94 compulsion to take the substance on a continuous basis in order to experience its
95 psychic effects or to avoid the discomfort caused by its absence;

96 (16) "Drug enforcement agency", the Drug Enforcement Administration in
97 the United States Department of Justice, or its successor agency;

98 (17) "Drug paraphernalia", all equipment, products, substances and
99 materials of any kind which are used, intended for use, or designed for use, in
100 planting, propagating, cultivating, growing, harvesting, manufacturing,
101 compounding, converting, producing, processing, preparing, storing, containing,
102 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
103 body a controlled substance or an imitation controlled substance in violation of
104 this chapter or chapter 579. It includes, but is not limited to:

105 (a) Kits used, intended for use, or designed for use in planting,
106 propagating, cultivating, growing or harvesting of any species of plant which is
107 a controlled substance or from which a controlled substance can be derived;

108 (b) Kits used, intended for use, or designed for use in manufacturing,
109 compounding, converting, producing, processing, or preparing controlled
110 substances or imitation controlled substances;

111 (c) Isomerization devices used, intended for use, or designed for use in
112 increasing the potency of any species of plant which is a controlled substance or
113 an imitation controlled substance;

114 (d) Testing equipment used, intended for use, or designed for use in
115 identifying, or in analyzing the strength, effectiveness or purity of controlled
116 substances or imitation controlled substances;

117 (e) Scales and balances used, intended for use, or designed for use in
118 weighing or measuring controlled substances or imitation controlled substances;

119 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol,
120 mannite, dextrose and lactose, used, intended for use, or designed for use in
121 cutting controlled substances or imitation controlled substances;

122 (g) Separation gins and sifters used, intended for use, or designed for use
123 in removing twigs and seeds from, or in otherwise cleaning or refining,
124 marijuana;

125 (h) Blenders, bowls, containers, spoons and mixing devices used, intended
126 for use, or designed for use in compounding controlled substances or imitation
127 controlled substances;

128 (i) Capsules, balloons, envelopes and other containers used, intended for
129 use, or designed for use in packaging small quantities of controlled substances or
130 imitation controlled substances;

131 (j) Containers and other objects used, intended for use, or designed for use
132 in storing or concealing controlled substances or imitation controlled substances;

133 (k) Hypodermic syringes, needles and other objects used, intended for use,
134 or designed for use in parenterally injecting controlled substances or imitation
135 controlled substances into the human body;

136 (l) Objects used, intended for use, or designed for use in ingesting,
137 inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into
138 the human body, such as:

139 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
140 without screens, permanent screens, hashish heads, or punctured metal bowls;

141 b. Water pipes;

142 c. Carburetion tubes and devices;

143 d. Smoking and carburetion masks;

144 e. Roach clips meaning objects used to hold burning material, such as a
145 marijuana cigarette, that has become too small or too short to be held in the
146 hand;

147 f. Miniature cocaine spoons and cocaine vials;

148 g. Chamber pipes;

149 h. Carburetor pipes;

150 i. Electric pipes;

151 j. Air-driven pipes;

152 k. Chillums;

- 153 l. Bongos;
154 m. Ice pipes or chillers;
155 (m) Substances used, intended for use, or designed for use in the
156 manufacture of a controlled substance;
157 In determining whether an object, product, substance or material is drug
158 paraphernalia, a court or other authority should consider, in addition to all other
159 logically relevant factors, the following:
- 160 a. Statements by an owner or by anyone in control of the object concerning
161 its use;
- 162 b. Prior convictions, if any, of an owner, or of anyone in control of the
163 object, under any state or federal law relating to any controlled substance or
164 imitation controlled substance;
- 165 c. The proximity of the object, in time and space, to a direct violation of
166 this chapter or chapter 579;
- 167 d. The proximity of the object to controlled substances or imitation
168 controlled substances;
- 169 e. The existence of any residue of controlled substances or imitation
170 controlled substances on the object;
- 171 f. Direct or circumstantial evidence of the intent of an owner, or of anyone
172 in control of the object, to deliver it to persons who he or she knows, or should
173 reasonably know, intend to use the object to facilitate a violation of this chapter
174 or chapter 579; the innocence of an owner, or of anyone in control of the object,
175 as to direct violation of this chapter or chapter 579 shall not prevent a finding
176 that the object is intended for use, or designed for use as drug paraphernalia;
- 177 g. Instructions, oral or written, provided with the object concerning its
178 use;
- 179 h. Descriptive materials accompanying the object which explain or depict
180 its use;
- 181 i. National or local advertising concerning its use;
- 182 j. The manner in which the object is displayed for sale;
- 183 k. Whether the owner, or anyone in control of the object, is a legitimate
184 supplier of like or related items to the community, such as a licensed distributor
185 or dealer of tobacco products;
- 186 l. Direct or circumstantial evidence of the ratio of sales of the object to the
187 total sales of the business enterprise;
- 188 m. The existence and scope of legitimate uses for the object in the

189 community;

190 n. Expert testimony concerning its use;

191 o. The quantity, form or packaging of the product, substance or material
192 in relation to the quantity, form or packaging associated with any legitimate use
193 for the product, substance or material;

194 (18) "Federal narcotic laws", the laws of the United States relating to
195 controlled substances;

196 (19) "Hospital", a place devoted primarily to the maintenance and
197 operation of facilities for the diagnosis, treatment or care, for not less than
198 twenty-four hours in any week, of three or more nonrelated individuals suffering
199 from illness, disease, injury, deformity or other abnormal physical conditions; or
200 a place devoted primarily to provide, for not less than twenty-four consecutive
201 hours in any week, medical or nursing care for three or more nonrelated
202 individuals. The term "hospital" does not include convalescent, nursing, shelter
203 or boarding homes as defined in chapter 198;

204 (20) "Immediate precursor", a substance which:

205 (a) The state department of health and senior services has found to be and
206 by rule designates as being the principal compound commonly used or produced
207 primarily for use in the manufacture of a controlled substance;

208 (b) Is an immediate chemical intermediary used or likely to be used in the
209 manufacture of a controlled substance; and

210 (c) The control of which is necessary to prevent, curtail or limit the
211 manufacture of the controlled substance;

212 (21) "Imitation controlled substance", a substance that is not a controlled
213 substance, which by dosage unit appearance (including color, shape, size and
214 markings), or by representations made, would lead a reasonable person to believe
215 that the substance is a controlled substance. In determining whether the
216 substance is an imitation controlled substance the court or authority concerned
217 should consider, in addition to all other logically relevant factors, the following:

218 (a) Whether the substance was approved by the federal Food and Drug
219 Administration for over-the-counter (nonprescription or nonlegend) sales and was
220 sold in the federal Food and Drug Administration approved package, with the
221 federal Food and Drug Administration approved labeling information;

222 (b) Statements made by an owner or by anyone else in control of the
223 substance concerning the nature of the substance, or its use or effect;

224 (c) Whether the substance is packaged in a manner normally used for

225 illicit controlled substances;

226 (d) Prior convictions, if any, of an owner, or anyone in control of the
227 object, under state or federal law related to controlled substances or fraud;

228 (e) The proximity of the substances to controlled substances;

229 (f) Whether the consideration tendered in exchange for the noncontrolled
230 substance substantially exceeds the reasonable value of the substance considering
231 the actual chemical composition of the substance and, where applicable, the price
232 at which over-the-counter substances of like chemical composition sell. An
233 imitation controlled substance does not include a placebo or registered
234 investigational drug either of which was manufactured, distributed, possessed or
235 delivered in the ordinary course of professional practice or research;

236 (22) **"Industrial hemp":**

237 (a) **All nonseed parts and varieties of the cannabis sativa plant,**
238 **growing or not, that contain a cropwide average tetrahydrocannabinol**
239 **(THC) concentration that does not exceed three-tenths of one percent**
240 **on a dry weight basis; or**

241 (b) **Any cannabis sativa seed that is part of a growing crop,**
242 **retained by a grower for future planting, or used for processing into or**
243 **use as agricultural hemp seed.**

244 **Industrial hemp does not include industrial hemp commodities and**
245 **products;**

246 (23) "Laboratory", a laboratory approved by the department of health and
247 senior services as proper to be entrusted with the custody of controlled substances
248 but does not include a pharmacist who compounds controlled substances to be
249 sold or dispensed on prescriptions;

250 [(23)] (24) "Manufacture", the production, preparation, propagation,
251 compounding or processing of drug paraphernalia or of a controlled substance, or
252 an imitation controlled substance, either directly or by extraction from substances
253 of natural origin, or independently by means of chemical synthesis, or by a
254 combination of extraction and chemical synthesis, and includes any packaging or
255 repackaging of the substance or labeling or relabeling of its container. This term
256 does not include the preparation or compounding of a controlled substance or an
257 imitation controlled substance or the preparation, compounding, packaging or
258 labeling of a narcotic or dangerous drug:

259 (a) By a practitioner as an incident to his or her administering or
260 dispensing of a controlled substance or an imitation controlled substance in the

261 course of his or her professional practice, or

262 (b) By a practitioner or his or her authorized agent under his or her
263 supervision, for the purpose of, or as an incident to, research, teaching or
264 chemical analysis and not for sale;

265 [(24)] **(25)** "Marijuana", all parts of the plant genus Cannabis in any
266 species or form thereof, including, but not limited to Cannabis Sativa L., **except**
267 **industrial hemp as defined in this section**, Cannabis Indica, Cannabis
268 Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not,
269 the seeds thereof, the resin extracted from any part of the plant; and every
270 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
271 seeds or resin. It does not include the mature stalks of the plant, fiber produced
272 from the stalks, oil or cake made from the seeds of the plant, any other
273 compound, manufacture, salt, derivative, mixture or preparation of the mature
274 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
275 seed of the plant which is incapable of germination;

276 [(25)] **(26)** "Methamphetamine precursor drug", any drug containing
277 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical
278 isomers, or salts of optical isomers;

279 [(26)] **(27)** "Narcotic drug", any of the following, whether produced
280 directly or indirectly by extraction from substances of vegetable origin, or
281 independently by means of chemical synthesis, or by a combination of extraction
282 and chemical analysis:

283 (a) Opium, opiate, and any derivative, of opium or opiate, including their
284 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
285 the existence of the isomers, esters, ethers, and salts is possible within the
286 specific chemical designation. The term does not include the isoquinoline
287 alkaloids of opium;

288 (b) Coca leaves, but not including extracts of coca leaves from which
289 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

290 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

291 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

292 (e) Any compound, mixture, or preparation containing any quantity of any
293 substance referred to in paragraphs (a) to (d) of this subdivision;

294 [(27)] **(28)** "Official written order", an order written on a form provided
295 for that purpose by the United States Commissioner of Narcotics, under any laws
296 of the United States making provision therefor, if such order forms are authorized

297 and required by federal law, and if no such order form is provided, then on an
298 official form provided for that purpose by the department of health and senior
299 services;

300 [(28)] **(29)** "Opiate", any substance having an addiction-forming or
301 addiction-sustaining liability similar to morphine or being capable of conversion
302 into a drug having addiction-forming or addiction-sustaining liability. The term
303 includes its racemic and levorotatory forms. It does not include, unless
304 specifically controlled under section 195.017, the dextrorotatory isomer of
305 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

306 [(29)] **(30)** "Opium poppy", the plant of the species *Papaver somniferum*
307 L., except its seeds;

308 [(30)] **(31)** "Over-the-counter sale", a retail sale licensed pursuant to
309 chapter 144 of a drug other than a controlled substance;

310 [(31)] **(32)** "Person", an individual, corporation, government or
311 governmental subdivision or agency, business trust, estate, trust, partnership,
312 joint venture, association, or any other legal or commercial entity;

313 [(32)] **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of
314 this state, and where the context so requires, the owner of a store or other place
315 of business where controlled substances are compounded or dispensed by a
316 licensed pharmacist; but nothing in this chapter shall be construed as conferring
317 on a person who is not registered nor licensed as a pharmacist any authority,
318 right or privilege that is not granted to him by the pharmacy laws of this state;

319 [(33)] **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy,
320 after mowing;

321 [(34)] **(35)** "Possessed" or "possessing a controlled substance", a person,
322 with the knowledge of the presence and nature of a substance, has actual or
323 constructive possession of the substance. A person has actual possession if he has
324 the substance on his or her person or within easy reach and convenient control.
325 A person who, although not in actual possession, has the power and the intention
326 at a given time to exercise dominion or control over the substance either directly
327 or through another person or persons is in constructive possession of
328 it. Possession may also be sole or joint. If one person alone has possession of a
329 substance possession is sole. If two or more persons share possession of a
330 substance, possession is joint;

331 [(35)] **(36)** "Practitioner", a physician, dentist, optometrist, podiatrist,
332 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,

333 registered or otherwise permitted by this state to distribute, dispense, conduct
334 research with respect to or administer or to use in teaching or chemical analysis,
335 a controlled substance in the course of professional practice or research in this
336 state, or a pharmacy, hospital or other institution licensed, registered, or
337 otherwise permitted to distribute, dispense, conduct research with respect to or
338 administer a controlled substance in the course of professional practice or
339 research;

340 [(36)] (37) "Production", includes the manufacture, planting, cultivation,
341 growing, or harvesting of drug paraphernalia or of a controlled substance or an
342 imitation controlled substance;

343 [(37)] (38) "Registry number", the number assigned to each person
344 registered under the federal controlled substances laws;

345 [(38)] (39) "Sale", includes barter, exchange, or gift, or offer therefor, and
346 each such transaction made by any person, whether as principal, proprietor,
347 agent, servant or employee;

348 [(39)] (40) "State" when applied to a part of the United States, includes
349 any state, district, commonwealth, territory, insular possession thereof, and any
350 area subject to the legal authority of the United States of America;

351 [(40)] (41) "Synthetic cannabinoid", includes unless specifically excepted
352 or unless listed in another schedule, any natural or synthetic material, compound,
353 mixture, or preparation that contains any quantity of a substance that is a
354 cannabinoid receptor agonist, including but not limited to any substance listed
355 in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any
356 analogues; homologues; isomers, whether optical, positional, or geometric; esters;
357 ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of
358 the isomers, esters, ethers, or salts is possible within the specific chemical
359 designation, however, it shall not include any approved pharmaceutical
360 authorized by the United States Food and Drug Administration;

361 [(41)] (42) "Ultimate user", a person who lawfully possesses a controlled
362 substance or an imitation controlled substance for his or her own use or for the
363 use of a member of his or her household or immediate family, regardless of
364 whether they live in the same household, or for administering to an animal owned
365 by him or by a member of his or her household. For purposes of this section, the
366 phrase "immediate family" means a husband, wife, parent, child, sibling,
367 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

368 [(42)] (43) "Wholesaler", a person who supplies drug paraphernalia or

369 controlled substances or imitation controlled substances that he himself has not
370 produced or prepared, on official written orders, but not on prescriptions.

195.010. The following words and phrases as used in sections 195.005 to
2 195.425, unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled
4 substances to such an extent as to create a tolerance for such drugs, and who does
5 not have a medical need for such drugs, or who is so far addicted to the use of
6 such drugs as to have lost the power of self-control with reference to his
7 addiction;

8 (2) "Administer", to apply a controlled substance, whether by injection,
9 inhalation, ingestion, or any other means, directly to the body of a patient or
10 research subject by:

11 (a) A practitioner (or, in his presence, by his authorized agent); or

12 (b) The patient or research subject at the direction and in the presence of
13 the practitioner;

14 (3) "Agent", an authorized person who acts on behalf of or at the direction
15 of a manufacturer, distributor, or dispenser. The term does not include a common
16 or contract carrier, public warehouseman, or employee of the carrier or
17 warehouseman while acting in the usual and lawful course of the carrier's or
18 warehouseman's business;

19 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
20 attorney general authorized to investigate, commence and prosecute an action
21 under sections 195.005 to 195.425;

22 (5) "Controlled substance", a drug, substance, or immediate precursor in
23 Schedules I through V listed in sections 195.005 to 195.425;

24 (6) "Controlled substance analogue", a substance the chemical structure
25 of which is substantially similar to the chemical structure of a controlled
26 substance in Schedule I or II and:

27 (a) Which has a stimulant, depressant, or hallucinogenic effect on the
28 central nervous system substantially similar to the stimulant, depressant, or
29 hallucinogenic effect on the central nervous system of a controlled substance
30 included in Schedule I or II; or

31 (b) With respect to a particular individual, which that individual
32 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
33 the central nervous system substantially similar to the stimulant, depressant, or
34 hallucinogenic effect on the central nervous system of a controlled substance

35 included in Schedule I or II. The term does not include a controlled substance;
36 any substance for which there is an approved new drug application; any
37 substance for which an exemption is in effect for investigational use, for a
38 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
39 (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant
40 to the exemption; or any substance to the extent not intended for human
41 consumption before such an exemption takes effect with respect to the substance;

42 (7) "Counterfeit substance", a controlled substance which, or the container
43 or labeling of which, without authorization, bears the trademark, trade name, or
44 other identifying mark, imprint, number or device, or any likeness thereof, of a
45 manufacturer, distributor, or dispenser other than the person who in fact
46 manufactured, distributed, or dispensed the substance;

47 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
48 from one person to another of drug paraphernalia or of a controlled substance, or
49 an imitation controlled substance, whether or not there is an agency relationship,
50 and includes a sale;

51 (9) "Dentist", a person authorized by law to practice dentistry in this
52 state;

53 (10) "Depressant or stimulant substance":

54 (a) A drug containing any quantity of barbituric acid or any of the salts
55 of barbituric acid or any derivative of barbituric acid which has been designated
56 by the United States Secretary of Health and Human Services as habit forming
57 under 21 U.S.C. 352(d);

58 (b) A drug containing any quantity of:

59 a. Amphetamine or any of its isomers;

60 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

61 c. Any substance the United States Attorney General, after investigation,
62 has found to be, and by regulation designated as, habit forming because of its
63 stimulant effect on the central nervous system;

64 (c) Lysergic acid diethylamide; or

65 (d) Any drug containing any quantity of a substance that the United
66 States Attorney General, after investigation, has found to have, and by regulation
67 designated as having, a potential for abuse because of its depressant or stimulant
68 effect on the central nervous system or its hallucinogenic effect;

69 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
70 ultimate user or research subject by or pursuant to the lawful order of a

71 practitioner including the prescribing, administering, packaging, labeling, or
72 compounding necessary to prepare the substance for such delivery. "Dispenser"
73 means a practitioner who dispenses;

74 (12) "Distribute", to deliver other than by administering or dispensing a
75 controlled substance;

76 (13) "Distributor", a person who distributes;

77 (14) "Drug":

78 (a) Substances recognized as drugs in the official United States
79 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
80 Official National Formulary, or any supplement to any of them;

81 (b) Substances intended for use in the diagnosis, cure, mitigation,
82 treatment or prevention of disease in humans or animals;

83 (c) Substances, other than food, intended to affect the structure or any
84 function of the body of humans or animals; and

85 (d) Substances intended for use as a component of any article specified in
86 this subdivision. It does not include devices or their components, parts or
87 accessories;

88 (15) "Drug-dependent person", a person who is using a controlled
89 substance and who is in a state of psychic or physical dependence, or both, arising
90 from the use of such substance on a continuous basis. Drug dependence is
91 characterized by behavioral and other responses which include a strong
92 compulsion to take the substance on a continuous basis in order to experience its
93 psychic effects or to avoid the discomfort caused by its absence;

94 (16) "Drug enforcement agency", the Drug Enforcement Administration in
95 the United States Department of Justice, or its successor agency;

96 (17) "Drug paraphernalia", all equipment, products, substances and
97 materials of any kind which are used, intended for use, or designed for use, in
98 planting, propagating, cultivating, growing, harvesting, manufacturing,
99 compounding, converting, producing, processing, preparing, storing, containing,
100 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
101 body a controlled substance or an imitation controlled substance in violation of
102 sections 195.005 to 195.425. It includes, but is not limited to:

103 (a) Kits used, intended for use, or designed for use in planting,
104 propagating, cultivating, growing or harvesting of any species of plant which is
105 a controlled substance or from which a controlled substance can be derived;

106 (b) Kits used, intended for use, or designed for use in manufacturing,

107 compounding, converting, producing, processing, or preparing controlled
108 substances or imitation controlled substances;

109 (c) Isomerization devices used, intended for use, or designed for use in
110 increasing the potency of any species of plant which is a controlled substance or
111 an imitation controlled substance;

112 (d) Testing equipment used, intended for use, or designed for use in
113 identifying, or in analyzing the strength, effectiveness or purity of controlled
114 substances or imitation controlled substances;

115 (e) Scales and balances used, intended for use, or designed for use in
116 weighing or measuring controlled substances or imitation controlled substances;

117 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol,
118 mannite, dextrose and lactose, used, intended for use, or designed for use in
119 cutting controlled substances or imitation controlled substances;

120 (g) Separation gins and sifters used, intended for use, or designed for use
121 in removing twigs and seeds from, or in otherwise cleaning or refining,
122 marijuana;

123 (h) Blenders, bowls, containers, spoons and mixing devices used, intended
124 for use, or designed for use in compounding controlled substances or imitation
125 controlled substances;

126 (i) Capsules, balloons, envelopes and other containers used, intended for
127 use, or designed for use in packaging small quantities of controlled substances or
128 imitation controlled substances;

129 (j) Containers and other objects used, intended for use, or designed for use
130 in storing or concealing controlled substances or imitation controlled substances;

131 (k) Hypodermic syringes, needles and other objects used, intended for use,
132 or designed for use in parenterally injecting controlled substances or imitation
133 controlled substances into the human body;

134 (l) Objects used, intended for use, or designed for use in ingesting,
135 inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into
136 the human body, such as:

137 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
138 without screens, permanent screens, hashish heads, or punctured metal bowls;

139 b. Water pipes;

140 c. Carburetion tubes and devices;

141 d. Smoking and carburetion masks;

142 e. Roach clips meaning objects used to hold burning material, such as a

143 marijuana cigarette, that has become too small or too short to be held in the
144 hand;

145 f. Miniature cocaine spoons and cocaine vials;

146 g. Chamber pipes;

147 h. Carburetor pipes;

148 i. Electric pipes;

149 j. Air-driven pipes;

150 k. Chillums;

151 l. Bongs;

152 m. Ice pipes or chillers;

153 (m) Substances used, intended for use, or designed for use in the
154 manufacture of a controlled substance; In determining whether an object, product,
155 substance or material is drug paraphernalia, a court or other authority should
156 consider, in addition to all other logically relevant factors, the following:

157 a. Statements by an owner or by anyone in control of the object concerning
158 its use;

159 b. Prior convictions, if any, of an owner, or of anyone in control of the
160 object, under any state or federal law relating to any controlled substance or
161 imitation controlled substance;

162 c. The proximity of the object, in time and space, to a direct violation of
163 sections 195.005 to 195.425;

164 d. The proximity of the object to controlled substances or imitation
165 controlled substances;

166 e. The existence of any residue of controlled substances or imitation
167 controlled substances on the object;

168 f. Direct or circumstantial evidence of the intent of an owner, or of anyone
169 in control of the object, to deliver it to persons who he knows, or should
170 reasonably know, intend to use the object to facilitate a violation of sections
171 195.005 to 195.425; the innocence of an owner, or of anyone in control of the
172 object, as to direct violation of sections 195.005 to 195.425 shall not prevent a
173 finding that the object is intended for use, or designed for use as drug
174 paraphernalia;

175 g. Instructions, oral or written, provided with the object concerning its
176 use;

177 h. Descriptive materials accompanying the object which explain or depict
178 its use;

- 179 i. National or local advertising concerning its use;
- 180 j. The manner in which the object is displayed for sale;
- 181 k. Whether the owner, or anyone in control of the object, is a legitimate
182 supplier of like or related items to the community, such as a licensed distributor
183 or dealer of tobacco products;
- 184 l. Direct or circumstantial evidence of the ratio of sales of the object to the
185 total sales of the business enterprise;
- 186 m. The existence and scope of legitimate uses for the object in the
187 community;
- 188 n. Expert testimony concerning its use;
- 189 o. The quantity, form or packaging of the product, substance or material
190 in relation to the quantity, form or packaging associated with any legitimate use
191 for the product, substance or material;
- 192 (18) "Federal narcotic laws", the laws of the United States relating to
193 controlled substances;
- 194 (19) "Hospital", a place devoted primarily to the maintenance and
195 operation of facilities for the diagnosis, treatment or care, for not less than
196 twenty-four hours in any week, of three or more nonrelated individuals suffering
197 from illness, disease, injury, deformity or other abnormal physical conditions; or
198 a place devoted primarily to provide, for not less than twenty-four consecutive
199 hours in any week, medical or nursing care for three or more nonrelated
200 individuals. The term "hospital" does not include convalescent, nursing, shelter
201 or boarding homes as defined in chapter 198;
- 202 (20) "Immediate precursor", a substance which:
- 203 (a) The state department of health and senior services has found to be and
204 by rule designates as being the principal compound commonly used or produced
205 primarily for use in the manufacture of a controlled substance;
- 206 (b) Is an immediate chemical intermediary used or likely to be used in the
207 manufacture of a controlled substance; and
- 208 (c) The control of which is necessary to prevent, curtail or limit the
209 manufacture of the controlled substance;
- 210 (21) "Imitation controlled substance", a substance that is not a controlled
211 substance, which by dosage unit appearance (including color, shape, size and
212 markings), or by representations made, would lead a reasonable person to believe
213 that the substance is a controlled substance. In determining whether the
214 substance is an imitation controlled substance the court or authority concerned

215 should consider, in addition to all other logically relevant factors, the following:

216 (a) Whether the substance was approved by the federal Food and Drug
217 Administration for over-the-counter (nonprescription or nonlegend) sales and was
218 sold in the federal Food and Drug Administration approved package, with the
219 federal Food and Drug Administration approved labeling information;

220 (b) Statements made by an owner or by anyone else in control of the
221 substance concerning the nature of the substance, or its use or effect;

222 (c) Whether the substance is packaged in a manner normally used for
223 illicit controlled substances;

224 (d) Prior convictions, if any, of an owner, or anyone in control of the
225 object, under state or federal law related to controlled substances or fraud;

226 (e) The proximity of the substances to controlled substances;

227 (f) Whether the consideration tendered in exchange for the noncontrolled
228 substance substantially exceeds the reasonable value of the substance considering
229 the actual chemical composition of the substance and, where applicable, the price
230 at which over-the-counter substances of like chemical composition sell. An
231 imitation controlled substance does not include a placebo or registered
232 investigational drug either of which was manufactured, distributed, possessed or
233 delivered in the ordinary course of professional practice or research;

234 (22) **"Industrial hemp":**

235 (a) **All nonseed parts and varieties of the cannabis sativa plant,**
236 **growing or not, that contain a cropwide average tetrahydrocannabinol**
237 **(THC) concentration that does not exceed three-tenths of one percent**
238 **on a dry weight basis; or**

239 (b) **Any cannabis sativa seed that is part of a growing crop,**
240 **retained by a grower for future planting, or used for processing into or**
241 **use as agricultural hemp seed.**

242 **Industrial hemp does not include industrial hemp commodities and**
243 **products;**

244 (23) "Laboratory", a laboratory approved by the department of health and
245 senior services as proper to be entrusted with the custody of controlled substances
246 but does not include a pharmacist who compounds controlled substances to be
247 sold or dispensed on prescriptions;

248 [(23)] (24) "Manufacture", the production, preparation, propagation,
249 compounding or processing of drug paraphernalia or of a controlled substance, or
250 an imitation controlled substance, either directly or by extraction from substances

251 of natural origin, or independently by means of chemical synthesis, or by a
252 combination of extraction and chemical synthesis, and includes any packaging or
253 repackaging of the substance or labeling or relabeling of its container. This term
254 does not include the preparation or compounding of a controlled substance or an
255 imitation controlled substance or the preparation, compounding, packaging or
256 labeling of a narcotic or dangerous drug:

257 (a) By a practitioner as an incident to his administering or dispensing of
258 a controlled substance or an imitation controlled substance in the course of his
259 professional practice, or

260 (b) By a practitioner or his authorized agent under his supervision, for the
261 purpose of, or as an incident to, research, teaching or chemical analysis and not
262 for sale;

263 [(24)] (25) "Marijuana", all parts of the plant genus Cannabis in any
264 species or form thereof, including, but not limited to Cannabis Sativa L., **except**
265 **industrial hemp as defined in this section**, Cannabis Indica, Cannabis
266 Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not,
267 the seeds thereof, the resin extracted from any part of the plant; and every
268 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
269 seeds or resin. It does not include the mature stalks of the plant, fiber produced
270 from the stalks, oil or cake made from the seeds of the plant, any other
271 compound, manufacture, salt, derivative, mixture or preparation of the mature
272 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
273 seed of the plant which is incapable of germination;

274 [(25)] (26) "Methamphetamine precursor drug", any drug containing
275 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical
276 isomers, or salts of optical isomers;

277 [(26)] (27) "Narcotic drug", any of the following, whether produced
278 directly or indirectly by extraction from substances of vegetable origin, or
279 independently by means of chemical synthesis, or by a combination of extraction
280 and chemical analysis:

281 (a) Opium, opiate, and any derivative, of opium or opiate, including their
282 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
283 the existence of the isomers, esters, ethers, and salts is possible within the
284 specific chemical designation. The term does not include the isoquinoline
285 alkaloids of opium;

286 (b) Coca leaves, but not including extracts of coca leaves from which

287 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
288 (c) Cocaine or any salt, isomer, or salt of isomer thereof;
289 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;
290 (e) Any compound, mixture, or preparation containing any quantity of any
291 substance referred to in paragraphs (a) to (d) of this subdivision;
292 [(27)] **(28)** "Official written order", an order written on a form provided
293 for that purpose by the United States Commissioner of Narcotics, under any laws
294 of the United States making provision therefor, if such order forms are authorized
295 and required by federal law, and if no such order form is provided, then on an
296 official form provided for that purpose by the department of health and senior
297 services;
298 [(28)] **(29)** "Opiate", any substance having an addiction-forming or
299 addiction-sustaining liability similar to morphine or being capable of conversion
300 into a drug having addiction-forming or addiction-sustaining liability. The term
301 includes its racemic and levorotatory forms. It does not include, unless
302 specifically controlled under section 195.017, the dextrorotatory isomer of
303 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);
304 [(29)] **(30)** "Opium poppy", the plant of the species *Papaver somniferum*
305 L., except its seeds;
306 [(30)] **(31)** "Over-the-counter sale", a retail sale licensed pursuant to
307 chapter 144 of a drug other than a controlled substance;
308 [(31)] **(32)** "Person", an individual, corporation, government or
309 governmental subdivision or agency, business trust, estate, trust, partnership,
310 joint venture, association, or any other legal or commercial entity;
311 [(32)] **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of
312 this state, and where the context so requires, the owner of a store or other place
313 of business where controlled substances are compounded or dispensed by a
314 licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed
315 as conferring on a person who is not registered nor licensed as a pharmacist any
316 authority, right or privilege that is not granted to him by the pharmacy laws of
317 this state;
318 [(33)] **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy,
319 after mowing;
320 [(34)] **(35)** "Possessed" or "possessing a controlled substance", a person,
321 with the knowledge of the presence and nature of a substance, has actual or
322 constructive possession of the substance. A person has actual possession if he has

323 the substance on his person or within easy reach and convenient control. A
324 person who, although not in actual possession, has the power and the intention
325 at a given time to exercise dominion or control over the substance either directly
326 or through another person or persons is in constructive possession of
327 it. Possession may also be sole or joint. If one person alone has possession of a
328 substance possession is sole. If two or more persons share possession of a
329 substance, possession is joint;

330 [(35)] **(36)** "Practitioner", a physician, dentist, optometrist, podiatrist,
331 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
332 registered or otherwise permitted by this state to distribute, dispense, conduct
333 research with respect to or administer or to use in teaching or chemical analysis,
334 a controlled substance in the course of professional practice or research in this
335 state, or a pharmacy, hospital or other institution licensed, registered, or
336 otherwise permitted to distribute, dispense, conduct research with respect to or
337 administer a controlled substance in the course of professional practice or
338 research;

339 [(36)] **(37)** "Production", includes the manufacture, planting, cultivation,
340 growing, or harvesting of drug paraphernalia or of a controlled substance or an
341 imitation controlled substance;

342 [(37)] **(38)** "Registry number", the number assigned to each person
343 registered under the federal controlled substances laws;

344 [(38)] **(39)** "Sale", includes barter, exchange, or gift, or offer therefor, and
345 each such transaction made by any person, whether as principal, proprietor,
346 agent, servant or employee;

347 [(39)] **(40)** "State" when applied to a part of the United States, includes
348 any state, district, commonwealth, territory, insular possession thereof, and any
349 area subject to the legal authority of the United States of America;

350 [(40)] **(41)** "Synthetic cannabinoid", includes unless specifically excepted
351 or unless listed in another schedule, any natural or synthetic material, compound,
352 mixture, or preparation that contains any quantity of a substance that is a
353 cannabinoid receptor agonist, including but not limited to any substance listed
354 in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any
355 analogues, homologues; isomers, whether optical, positional, or geometric; esters;
356 ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of
357 the isomers, esters, ethers, or salts is possible within the specific chemical
358 designation, however, it shall not include any approved pharmaceutical

359 authorized by the United States Food and Drug Administration;

360 [(41)] **(42)** "Ultimate user", a person who lawfully possesses a controlled
361 substance or an imitation controlled substance for his own use or for the use of
362 a member of his household or for administering to an animal owned by him or by
363 a member of his household;

364 [(42)] **(43)** "Wholesaler", a person who supplies drug paraphernalia or
365 controlled substances or imitation controlled substances that he himself has not
366 produced or prepared, on official written orders, but not on prescriptions.

195.017. 1. The department of health and senior services shall place a
2 substance in Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or
5 lacks accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in
8 Schedule I;

9 (2) Any of the following opiates, including their isomers, esters, ethers,
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,
11 whenever the existence of these isomers, esters, ethers and salts is possible
12 within the specific chemical designation:

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

16 (d) Alphacetylmethadol;

17 (e) Alphameprodine;

18 (f) Alphamethadol;

19 (g) Alpha-methylfentanyl;

20 (h) Alpha-methylthiofentanyl;

21 (i) Benzethidine;

22 (j) Betacetylmethadol;

23 (k) Beta-hydroxyfentanyl;

24 (l) Beta-hydroxy-3-methylfentanyl;

25 (m) Betameprodine;

26 (n) Betamethadol;

27 (o) Betaprodine;

28 (p) Clonitazene;

- 29 (q) Dextromoramide;
30 (r) Diampromide;
31 (s) Diethylthiambutene;
32 (t) Difenoxin;
33 (u) Dimenoxadol;
34 (v) Dimepheptanol;
35 (w) Dimethylthiambutene;
36 (x) Dioxaphetyl butyrate;
37 (y) Dipipanone;
38 (z) Ethylmethylthiambutene;
39 (aa) Etonitazene;
40 (bb) Etoxidine;
41 (cc) Furethidine;
42 (dd) Hydroxypethidine;
43 (ee) Ketobemidone;
44 (ff) Levomoramide;
45 (gg) Levophenacymorphan;
46 (hh) 3-Methylfentanyl;
47 (ii) 3-Methylthiofentanyl;
48 (jj) Morpheridine;
49 (kk) MPPP;
50 (ll) Noracymethadol;
51 (mm) Norlevorphanol;
52 (nn) Normethadone;
53 (oo) Norpipanone;
54 (pp) Para-fluorofentanyl;
55 (qq) PEPAP;
56 (rr) Phenadoxone;
57 (ss) Phenampromide;
58 (tt) Phenomorphan;
59 (uu) Phenoperidine;
60 (vv) Piritramide;
61 (ww) Proheptazine;
62 (xx) Properidine;
63 (yy) Propiram;
64 (zz) Racemoramide;

- 65 (aaa) Thiofentanyl;
66 (bbb) Tilidine;
67 (ccc) Trimeperidine;
68 (3) Any of the following opium derivatives, their salts, isomers and salts
69 of isomers unless specifically excepted, whenever the existence of these salts,
70 isomers and salts of isomers is possible within the specific chemical designation:
71 (a) Acetorphine;
72 (b) Acetyldihydrocodeine;
73 (c) Benzylmorphine;
74 (d) Codeine methylbromide;
75 (e) Codeine-N-Oxide;
76 (f) Cyprenorphine;
77 (g) Desomorphine;
78 (h) Dihydromorphine;
79 (i) Drotebanol;
80 (j) Etorphine (except hydrochloride salt);
81 (k) Heroin;
82 (l) Hydromorphenol;
83 (m) Methyldesorphine;
84 (n) Methyldihydromorphine;
85 (o) Morphine methylbromide;
86 (p) Morphine methylsulfonate;
87 (q) Morphine-N-Oxide;
88 (r) Myrophine;
89 (s) Nicocodeine;
90 (t) Nicomorphine;
91 (u) Normorphine;
92 (v) Pholcodine;
93 (w) Thebacon;
94 (4) Any material, compound, mixture or preparation which contains any
95 quantity of the following hallucinogenic substances, their salts, isomers and salts
96 of isomers, unless specifically excepted, whenever the existence of these salts,
97 isomers, and salts of isomers is possible within the specific chemical designation:
98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
100 (c) 2,5-dimethoxyamphetamine;

- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
112 and salts of isomers;
- 113 (o) Alpha-ethyltryptamine;
- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;
- 116 (r) Diethyltryptamine;
- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) Marijuana or marihuana, **except industrial hemp as defined in**
122 **section 195.010**;
- 123 (x) Mescaline;
- 124 (y) Parahexyl;
- 125 (z) Peyote, to include all parts of the plant presently classified botanically
126 as Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any
127 extract from any part of such plant; and every compound, manufacture, salt,
128 derivative, mixture or preparation of the plant, its seed or extracts;
- 129 (aa) N-ethyl-3-piperidyl benzilate;
- 130 (bb) N-methyl-3-piperidyl benzilate;
- 131 (cc) Psilocybin;
- 132 (dd) Psilocyn;
- 133 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
134 Cannabis (cannabis plant), **except industrial hemp as defined in section**
135 **195.010**, as well as synthetic equivalents of the substances contained in the
136 cannabis plant, or in the resinous extractives of such plant, or synthetic

137 substances, derivatives, and their isomers with similar chemical structure and
138 pharmacological activity to those substances contained in the plant, such as the
139 following:

- 140 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 142 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 143 d. Any compounds of these structures, regardless of numerical designation
144 of atomic positions covered;

145 (ff) Ethylamine analog of phencyclidine;

146 (gg) Pyrrolidine analog of phencyclidine;

147 (hh) Thiophene analog of phencyclidine;

148 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

149 (jj) *Salvia divinorum*;

150 (kk) Salvinorin A;

151 (ll) Synthetic cannabinoids:

- 152 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
153 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
154 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
155 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
156 further substituted in the indole ring to any extent, whether or not substituted
157 in the naphthyl ring to any extent. Including, but not limited to:

158 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

159 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;

160 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

161 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;

162 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

163 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;

164 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

165 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;

166 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;

167 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;

168 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;

169 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

- 170 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
171 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
172 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or

173 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
174 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

175 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
176 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
177 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
178 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
179 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

180 d. Any compound structurally derived from 3-phenylacetylindole by
181 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
182 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
183 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
184 ring to any extent, whether or not substituted in the phenyl ring to any
185 extent. Including, but not limited to:

186 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;

187 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

188 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;

189 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;

190 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

191 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
192 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
193 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
194 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
195 to any extent. Including, but not limited to:

196 (i) CP 47, 497 & homologues, or

197 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5,
198 and homologues where side chain n=4,6, or 7;

199 f. Any compound containing a 3-(benzoyl)indole structure with
200 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,
201 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
202 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
203 ring to any extent and whether or not substituted in the phenyl ring to any
204 extent. Including, but not limited to:

205 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

206 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

207 g. CP 50,556-1, or

208 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]

- 209 oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 210 h. HU-210, or
- 211 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10
- 212 a-tetrahydrobenzo[c]chromen-1-ol;
- 213 i. HU-211, or
- 214 Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl
- 215)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 216 j. CP 50,556-1, or
- 217 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]
- 218 oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 219 k. Dimethylheptylpyran, or DMHP;
- 220 (5) Any material, compound, mixture or preparation containing any
- 221 quantity of the following substances having a depressant effect on the central
- 222 nervous system, including their salts, isomers and salts of isomers whenever the
- 223 existence of these salts, isomers and salts of isomers is possible within the
- 224 specific chemical designation:
- 225 (a) Gamma-hydroxybutyric acid;
- 226 (b) Mecloqualone;
- 227 (c) Methaqualone;
- 228 (6) Any material, compound, mixture or preparation containing any
- 229 quantity of the following substances having a stimulant effect on the central
- 230 nervous system, including their salts, isomers and salts of isomers:
- 231 (a) Aminorex;
- 232 (b) N-benzylpiperazine;
- 233 (c) Cathinone;
- 234 (d) Fenethylamine;
- 235 (e) 3-Fluoromethcathinone;
- 236 (f) 4-Fluoromethcathinone;
- 237 (g) Mephedrone, or 4-methylmethcathinone;
- 238 (h) Methcathinone;
- 239 (i) 4-methoxymethcathinone;
- 240 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 241 (k) Methylenedioxypropylamphetamine, MDPV, or
- 242 (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone;
- 243 (l) Methylone, or 3,4-Methylenedioxypropylamphetamine;
- 244 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;

245 (n) N-ethylamphetamine;

246 (o) N,N-dimethylamphetamine;

247 (7) A temporary listing of substances subject to emergency scheduling
248 under federal law shall include any material, compound, mixture or preparation
249 which contains any quantity of the following substances:

250 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its
251 optical isomers, salts and salts of isomers;

252 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
253 (thenylfentanyl), its optical isomers, salts and salts of isomers;

254 (8) Khat, to include all parts of the plant presently classified botanically
255 as *catha edulis*, whether growing or not; the seeds thereof; any extract from any
256 part of such plant; and every compound, manufacture, salt, derivative, mixture,
257 or preparation of the plant, its seed or extracts.

258 3. The department of health and senior services shall place a substance
259 in Schedule II if it finds that:

260 (1) The substance has high potential for abuse;

261 (2) The substance has currently accepted medical use in treatment in the
262 United States, or currently accepted medical use with severe restrictions; and

263 (3) The abuse of the substance may lead to severe psychic or physical
264 dependence.

265 4. The controlled substances listed in this subsection are included in
266 Schedule II:

267 (1) Any of the following substances whether produced directly or indirectly
268 by extraction from substances of vegetable origin, or independently by means of
269 chemical synthesis, or by combination of extraction and chemical synthesis:

270 (a) Opium and opiate and any salt, compound, derivative or preparation
271 of opium or opiate, excluding apomorphine, thebaine-derived butorphanol,
272 dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their
273 respective salts but including the following:

274 a. Raw opium;

275 b. Opium extracts;

276 c. Opium fluid;

277 d. Powdered opium;

278 e. Granulated opium;

279 f. Tincture of opium;

280 g. Codeine;

- 281 h. Ethylmorphine;
282 i. Etorphine hydrochloride;
283 j. Hydrocodone;
284 k. Hydromorphone;
285 l. Metopon;
286 m. Morphine;
287 n. Oxycodone;
288 o. Oxymorphone;
289 p. Thebaine;
- 290 (b) Any salt, compound, derivative, or preparation thereof which is
291 chemically equivalent or identical with any of the substances referred to in this
292 subdivision, but not including the isoquinoline alkaloids of opium;
- 293 (c) Opium poppy and poppy straw;
- 294 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
295 leaves, and any salt, compound, derivative, or preparation thereof which is
296 chemically equivalent or identical with any of these substances, but not including
297 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;
- 298 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
299 liquid, solid or powder form which contains the phenanthrene alkaloids of the
300 opium poppy);
- 301 (2) Any of the following opiates, including their isomers, esters, ethers,
302 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
303 and salts is possible within the specific chemical designation, dextrorphan and
304 levopropoxyphene excepted:
- 305 (a) Alfentanil;
306 (b) Alphaprodine;
307 (c) Anileridine;
308 (d) Bezitramide;
309 (e) Bulk dextropropoxyphene;
310 (f) Carfentanil;
311 (g) Dihydrocodeine;
312 (h) Diphenoxylate;
313 (i) Fentanyl;
314 (j) Isomethadone;
315 (k) Levo-alphaacetylmethadol;
316 (l) Levomethorphan;

- 317 (m) Levorphanol;
- 318 (n) Metazocine;
- 319 (o) Methadone;
- 320 (p) Meperidine;
- 321 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 322 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 323 [1-diphenylpropane--carboxylic acid] **1-diphenylpropane-carboxylic acid;**
- 324 (s) Pethidine (meperidine);
- 325 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 326 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 327 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
- 328 acid;
- 329 (w) Phenazocine;
- 330 (x) Piminodine;
- 331 (y) Racemethorphan;
- 332 (z) Racemorphan;
- 333 (aa) Remifentanil;
- 334 (bb) Sufentanil;
- 335 (cc) Tapentadol;
- 336 (3) Any material, compound, mixture, or preparation which contains any
- 337 quantity of the following substances having a stimulant effect on the central
- 338 nervous system:
- 339 (a) Amphetamine, its salts, optical isomers, and salts of its optical
- 340 isomers;
- 341 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 342 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 343 (d) Phenmetrazine and its salts;
- 344 (e) Methylphenidate;
- 345 (4) Any material, compound, mixture, or preparation which contains any
- 346 quantity of the following substances having a depressant effect on the central
- 347 nervous system, including its salts, isomers, and salts of isomers whenever the
- 348 existence of those salts, isomers, and salts of isomers is possible within the
- 349 specific chemical designation:
- 350 (a) Amobarbital;
- 351 (b) Glutethimide;
- 352 (c) Pentobarbital;

- 353 (d) Phencyclidine;
- 354 (e) Secobarbital;
- 355 (5) Any material or compound which contains any quantity of nabilone;
- 356 (6) Any material, compound, mixture, or preparation which contains any
- 357 quantity of the following substances:
- 358 (a) Immediate precursor to amphetamine and methamphetamine:
- 359 Phenylacetone;
- 360 (b) Immediate precursors to phencyclidine (PCP):
- 361 a. 1-phenylcyclohexylamine;
- 362 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 363 (7) Any material, compound, mixture, or preparation which contains any
- 364 quantity of the following alkyl nitrites:
- 365 (a) Amyl nitrite;
- 366 (b) Butyl nitrite.
- 367 5. The department of health and senior services shall place a substance
- 368 in Schedule III if it finds that:
- 369 (1) The substance has a potential for abuse less than the substances listed
- 370 in Schedules I and II;
- 371 (2) The substance has currently accepted medical use in treatment in the
- 372 United States; and
- 373 (3) Abuse of the substance may lead to moderate or low physical
- 374 dependence or high psychological dependence.
- 375 6. The controlled substances listed in this subsection are included in
- 376 Schedule III:
- 377 (1) Any material, compound, mixture, or preparation which contains any
- 378 quantity of the following substances having a potential for abuse associated with
- 379 a stimulant effect on the central nervous system:
- 380 (a) Benzphetamine;
- 381 (b) Chlorphentermine;
- 382 (c) Clortermine;
- 383 (d) Phendimetrazine;
- 384 (2) Any material, compound, mixture or preparation which contains any
- 385 quantity or salt of the following substances or salts having a depressant effect on
- 386 the central nervous system:
- 387 (a) Any material, compound, mixture or preparation which contains any
- 388 quantity or salt of the following substances combined with one or more active

389 medicinal ingredients:

390 a. Amobarbital;

391 b. Secobarbital;

392 c. Pentobarbital;

393 (b) Any suppository dosage form containing any quantity or salt of the
394 following:

395 a. Amobarbital;

396 b. Secobarbital;

397 c. Pentobarbital;

398 (c) Any substance which contains any quantity of a derivative of
399 barbituric acid or its salt;

400 (d) Chlorhexadol;

401 (e) Embutramide;

402 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
403 contained in a drug product for which an application has been approved under
404 Section 505 of the federal Food, Drug, and Cosmetic Act;

405 (g) Ketamine, its salts, isomers, and salts of isomers;

406 (h) Lysergic acid;

407 (i) Lysergic acid amide;

408 (j) Methyprylon;

409 (k) Sulfondiethylmethane;

410 (l) Sulfonethylmethane;

411 (m) Sulfonmethane;

412 (n) Tiletamine and zolazepam or any salt thereof;

413 (3) Nalorphine;

414 (4) Any material, compound, mixture, or preparation containing limited
415 quantities of any of the following narcotic drugs or their salts:

416 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
417 more than ninety milligrams per dosage unit, with an equal or greater quantity
418 of an isoquinoline alkaloid of opium;

419 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not
420 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
421 ingredients in recognized therapeutic amounts;

422 (c) Not more than three hundred milligrams of hydrocodone per one
423 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
424 fourfold or greater quantity of an isoquinoline alkaloid of opium;

425 (d) Not more than three hundred milligrams of hydrocodone per one
426 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
427 or more active nonnarcotic ingredients in recognized therapeutic amounts;

428 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters
429 or not more than ninety milligrams per dosage unit, with one or more active
430 nonnarcotic ingredients in recognized therapeutic amounts;

431 (f) Not more than three hundred milligrams of ethylmorphine per one
432 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
433 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

434 (g) Not more than five hundred milligrams of opium per one hundred
435 milliliters or per one hundred grams or not more than twenty-five milligrams per
436 dosage unit, with one or more active nonnarcotic ingredients in recognized
437 therapeutic amounts;

438 (h) Not more than fifty milligrams of morphine per one hundred milliliters
439 or per one hundred grams, with one or more active, nonnarcotic ingredients in
440 recognized therapeutic amounts;

441 (5) Any material, compound, mixture, or preparation containing any of the
442 following narcotic drugs or their salts, as set forth in subdivision (6) of this
443 subsection; buprenorphine;

444 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
445 pharmacologically related to testosterone (other than estrogens, progestins,
446 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except
447 an anabolic steroid which is expressly intended for administration through
448 implants to cattle or other nonhuman species and which has been approved by
449 the Secretary of Health and Human Services for that administration. If any
450 person prescribes, dispenses, or distributes such steroid for human use, such
451 person shall be considered to have prescribed, dispensed, or distributed an
452 anabolic steroid within the meaning of this subdivision. Unless specifically
453 excepted or unless listed in another schedule, any material, compound, mixture
454 or preparation containing any quantity of the following substances, including its
455 salts, esters and ethers:

456 (a) $3\beta,17$ -dihydroxy-5 α -androstane;

457 (b) 3 $\alpha,17\beta$ -dihydroxy-5 α -androstane;

458 (c) 5 α -androstane-3,17-dione;

459 (d) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-5 α -androst-1-ene);

460 (e) 1-androstenediol (3 $\alpha,17\beta$ -dihydroxy-5 α -androst-1-ene);

- 461 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
462 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
463 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
464 (i) 4-androstenedione (androst-4-en-3,17-dione);
465 (j) 5-androstenedione (androst-5-en-3,17-dione);
466 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
467 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
468 (m) Boldione;
469 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
470 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
471 (p) Dehydrochloromethyltestosterone
472 (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
473 (q) Desoxymethyltestosterone;
474 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
475 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
476 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
477 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
478 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
479 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
480 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostando[2,3-c]-furazan);
481 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
482 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
483 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
484 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);
485 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
486 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
487 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
488 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
489 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstande);
490 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstande);
491 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
492 (j j) 1 7 α - m e t h y l - 4 - h y d r o x y n a n d r o l o n e
493 (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
494 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
495 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
496 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);

- 497 (nn) Mibolerone (7a,17a-dimethyl-17 β -hydroxyestr-4-en-3-one);
498 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one)
499 (a.k.a. '17- α -methyl-1-testosterone');
500 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
501 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
502 (rr) 19-nor-4-androstenediol (3a,17 β -dihydroxyestr-4-ene);
503 (ss) 19-nor-4,9(10)-androstadienedione;
504 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
505 (uu) 19-nor-5-androstenediol (3a,17 β -dihydroxyestr-5-ene);
506 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
507 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
508 (xx) Norbolethone (13 β ,17a-diethyl-17 β -hydroxygon-4-en-3-one);
509 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
510 (zz) Norethandrolone (17a-ethyl-17 β -hydroxyestr-4-en-3-one);
511 (aaa) Normethandrolone (17a-methyl-17 β -hydroxyestr-4-en-3-one);
512 (bbb) Oxandrolone (17a-methyl-17 β -hydroxy-2-oxa-[5a]-androstan-3-one);
513 (ccc) Oxymesterone (17a-methyl-4,17 β -dihydroxyandrost-4-en-3-one);
514 (ddd) Oxymethalone
515 (17a-methyl-2-hydroxymethylene-17 β -hydroxy-[5a]-androstan-3-one);
516 (eee) Stanozolol (17a-methyl-17 β -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);
517 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5a]-androst-1-en-3-one);
518 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
519 acid lactone);
520 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
521 (iii) Tetrahydrogestrinone (13 β ,17a-diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
522 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
523 (kkk) Any salt, ester, or ether of a drug or substance described or listed
524 in this subdivision, except an anabolic steroid which is expressly intended for
525 administration through implants to cattle or other nonhuman species and which
526 has been approved by the Secretary of Health and Human Services for that
527 administration;
- 528 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
529 capsule in a United States Food and Drug Administration approved drug product;
- 530 (8) The department of health and senior services may except by rule any
531 compound, mixture, or preparation containing any stimulant or depressant
532 substance listed in subdivisions (1) and (2) of this subsection from the application

533 of all or any part of sections 195.010 to 195.320 if the compound, mixture, or
534 preparation contains one or more active medicinal ingredients not having a
535 stimulant or depressant effect on the central nervous system, and if the
536 admixtures are included therein in combinations, quantity, proportion, or
537 concentration that vitiate the potential for abuse of the substances which have
538 a stimulant or depressant effect on the central nervous system.

539 7. The department of health and senior services shall place a substance
540 in Schedule IV if it finds that:

541 (1) The substance has a low potential for abuse relative to substances in
542 Schedule III;

543 (2) The substance has currently accepted medical use in treatment in the
544 United States; and

545 (3) Abuse of the substance may lead to limited physical dependence or
546 psychological dependence relative to the substances in Schedule III.

547 8. The controlled substances listed in this subsection are included in
548 Schedule IV:

549 (1) Any material, compound, mixture, or preparation containing any of the
550 following narcotic drugs or their salts calculated as the free anhydrous base or
551 alkaloid, in limited quantities as set forth below:

552 (a) Not more than one milligram of difenoxin and not less than twenty-five
553 micrograms of atropine sulfate per dosage unit;

554 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
555 2-diphenyl-3-methyl-2-propionoxybutane);

556 (c) Any of the following limited quantities of narcotic drugs or their salts,
557 which shall include one or more nonnarcotic active medicinal ingredients in
558 sufficient proportion to confer upon the compound, mixture or preparation
559 valuable medicinal qualities other than those possessed by the narcotic drug
560 alone:

561 a. Not more than two hundred milligrams of codeine per one hundred
562 milliliters or per one hundred grams;

563 b. Not more than one hundred milligrams of dihydrocodeine per one
564 hundred milliliters or per one hundred grams;

565 c. Not more than one hundred milligrams of ethylmorphine per one
566 hundred milliliters or per one hundred grams;

567 (2) Any material, compound, mixture or preparation containing any
568 quantity of the following substances, including their salts, isomers, and salts of

569 isomers whenever the existence of those salts, isomers, and salts of isomers is
570 possible within the specific chemical designation:

- 571 (a) Alprazolam;
- 572 (b) Barbitol;
- 573 (c) Bromazepam;
- 574 (d) Camazepam;
- 575 (e) Chloral betaine;
- 576 (f) Chloral hydrate;
- 577 (g) Chlordiazepoxide;
- 578 (h) Clobazam;
- 579 (i) Clonazepam;
- 580 (j) Clorazepate;
- 581 (k) Clotiazepam;
- 582 (l) Cloxazolam;
- 583 (m) Delorazepam;
- 584 (n) Diazepam;
- 585 (o) Dichloralphenazone;
- 586 (p) Estazolam;
- 587 (q) Ethchlorvynol;
- 588 (r) Ethinamate;
- 589 (s) Ethyl loflazepate;
- 590 (t) Fludiazepam;
- 591 (u) Flunitrazepam;
- 592 (v) Flurazepam;
- 593 (w) Fospropofol;
- 594 (x) Halazepam;
- 595 (y) Haloxazolam;
- 596 (z) Ketazolam;
- 597 (aa) Loprazolam;
- 598 (bb) Lorazepam;
- 599 (cc) Lormetazepam;
- 600 (dd) Mebutamate;
- 601 (ee) Medazepam;
- 602 (ff) Meprobamate;
- 603 (gg) Methohexital;
- 604 (hh) Methylphenobarbital (mephobarbital);

- 605 (ii) Midazolam;
- 606 (jj) Nimetazepam;
- 607 (kk) Nitrazepam;
- 608 (ll) Nordiazepam;
- 609 (mm) Oxazepam;
- 610 (nn) Oxazolam;
- 611 (oo) Paraldehyde;
- 612 (pp) Petrichloral;
- 613 (qq) Phenobarbital;
- 614 (rr) Pinazepam;
- 615 (ss) Prazepam;
- 616 (tt) Quazepam;
- 617 (uu) Temazepam;
- 618 (vv) Tetrazepam;
- 619 (ww) Triazolam;
- 620 (xx) Zaleplon;
- 621 (yy) Zolpidem;
- 622 (zz) Zopiclone;
- 623 (3) Any material, compound, mixture, or preparation which contains any
- 624 quantity of the following substance including its salts, isomers and salts of
- 625 isomers whenever the existence of such salts, isomers and salts of isomers is
- 626 possible: fenfluramine;
- 627 (4) Any material, compound, mixture or preparation containing any
- 628 quantity of the following substances having a stimulant effect on the central
- 629 nervous system, including their salts, isomers and salts of isomers:
- 630 (a) Cathine ((+)-norpseudoephedrine);
- 631 (b) Diethylpropion;
- 632 (c) Fencamfamin;
- 633 (d) Fenproporex;
- 634 (e) Mazindol;
- 635 (f) Mefenorex;
- 636 (g) Modafinil;
- 637 (h) Pemoline, including organometallic complexes and chelates thereof;
- 638 (i) Phentermine;
- 639 (j) Pipradrol;
- 640 (k) Sibutramine;

- 641 (1) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 642 (5) Any material, compound, mixture or preparation containing any
643 quantity of the following substance, including its salts:
- 644 (a) butorphanol;
- 645 (b) pentazocine;
- 646 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when
647 the substance is the only active medicinal ingredient;
- 648 (7) The department of health and senior services may except by rule any
649 compound, mixture, or preparation containing any depressant substance listed in
650 subdivision (1) of this subsection from the application of all or any part of sections
651 195.010 to 195.320 and sections 579.015 to 579.086 if the compound, mixture, or
652 preparation contains one or more active medicinal ingredients not having a
653 depressant effect on the central nervous system, and if the admixtures are
654 included therein in combinations, quantity, proportion, or concentration that
655 vitiate the potential for abuse of the substances which have a depressant effect
656 on the central nervous system.
- 657 9. The department of health and senior services shall place a substance
658 in Schedule V if it finds that:
- 659 (1) The substance has low potential for abuse relative to the controlled
660 substances listed in Schedule IV;
- 661 (2) The substance has currently accepted medical use in treatment in the
662 United States; and
- 663 (3) The substance has limited physical dependence or psychological
664 dependence liability relative to the controlled substances listed in Schedule IV.
- 665 10. The controlled substances listed in this subsection are included in
666 Schedule V:
- 667 (1) Any compound, mixture or preparation containing any of the following
668 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in
669 limited quantities as set forth below, which also contains one or more nonnarcotic
670 active medicinal ingredients in sufficient proportion to confer upon the compound,
671 mixture or preparation valuable medicinal qualities other than those possessed
672 by the narcotic drug alone:
- 673 (a) Not more than two and five-tenths milligrams of diphenoxylate and not
674 less than twenty-five micrograms of atropine sulfate per dosage unit;
- 675 (b) Not more than one hundred milligrams of opium per one hundred
676 milliliters or per one hundred grams;

677 (c) Not more than five-tenths milligram of difenoxin and not less than
678 twenty-five micrograms of atropine sulfate per dosage unit;

679 (2) Any material, compound, mixture or preparation which contains any
680 quantity of the following substance having a stimulant effect on the central
681 nervous system including its salts, isomers and salts of isomers: pyrovalerone;

682 (3) Any compound, mixture, or preparation containing any detectable
683 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
684 isomers or any compound, mixture, or preparation containing any detectable
685 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

686 (4) Unless specifically exempted or excluded or unless listed in another
687 schedule, any material, compound, mixture, or preparation which contains any
688 quantity of the following substances having a depressant effect on the central
689 nervous system, including its salts:

690 (a) Lacosamide;

691 (b) Pregabalin.

692 11. If any compound, mixture, or preparation as specified in subdivision
693 (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy
694 without a prescription:

695 (1) All packages of any compound, mixture, or preparation containing any
696 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of
697 optical isomers or ephedrine, its salts or optical isomers, or salts of optical
698 isomers, shall be offered for sale only from behind a pharmacy counter where the
699 public is not permitted, and only by a registered pharmacist or registered
700 pharmacy technician; and

701 (2) Any person purchasing, receiving or otherwise acquiring any
702 compound, mixture, or preparation containing any detectable quantity of
703 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
704 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least
705 eighteen years of age; and

706 (3) The pharmacist, intern pharmacist, or registered pharmacy technician
707 shall require any person, prior to such person's purchasing, receiving or otherwise
708 acquiring such compound, mixture, or preparation to furnish suitable photo
709 identification that is issued by a state or the federal government or a document
710 that, with respect to identification, is considered acceptable and showing the date
711 of birth of the person;

712 (4) The seller shall deliver the product directly into the custody of the

713 purchaser.

714 12. Pharmacists, intern pharmacists, and registered pharmacy technicians
715 shall implement and maintain an electronic log of each transaction. Such log
716 shall include the following information:

717 (1) The name, address, and signature of the purchaser;

718 (2) The amount of the compound, mixture, or preparation purchased;

719 (3) The date and time of each purchase; and

720 (4) The name or initials of the pharmacist, intern pharmacist, or
721 registered pharmacy technician who dispensed the compound, mixture, or
722 preparation to the purchaser.

723 13. Each pharmacy shall submit information regarding sales of any
724 compound, mixture, or preparation as specified in subdivision (3) of subsection 10
725 of this section in accordance with transmission methods and frequency
726 established by the department by regulation;

727 14. No person shall dispense, sell, purchase, receive, or otherwise acquire
728 quantities greater than those specified in this chapter.

729 15. All persons who dispense or offer for sale pseudoephedrine and
730 ephedrine products in a pharmacy shall ensure that all such products are located
731 only behind a pharmacy counter where the public is not permitted.

732 16. The penalties for a knowing or reckless violation of the provisions of
733 subsections 11 to 15 of this section are found in section 579.060.

734 17. The scheduling of substances specified in subdivision (3) of subsection
735 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
736 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
737 capsule form or to any compound, mixture, or preparation specified in subdivision
738 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
739 in a pharmacy pursuant to a prescription.

740 18. The manufacturer of a drug product or another interested party may
741 apply with the department of health and senior services for an exemption from
742 this section. The department of health and senior services may grant an
743 exemption by rule from this section if the department finds the drug product is
744 not used in the illegal manufacture of methamphetamine or other controlled or
745 dangerous substances. The department of health and senior services shall rely
746 on reports from law enforcement and law enforcement evidentiary laboratories in
747 determining if the proposed product can be used to manufacture illicit controlled
748 substances.

749 19. The department of health and senior services shall revise and
750 republish the schedules annually.

751 20. The department of health and senior services shall promulgate rules
752 under chapter 536 regarding the security and storage of Schedule V controlled
753 substances, as described in subdivision (3) of subsection 10 of this section, for
754 distributors as registered by the department of health and senior services.

755 21. Logs of transactions required to be kept and maintained by this
756 section and section 195.417 shall create a rebuttable presumption that the person
757 whose name appears in the logs is the person whose transactions are recorded in
758 the logs.

195.017. 1. The department of health and senior services shall place a
2 substance in Schedule I if it finds that the substance:

- 3 (1) Has high potential for abuse; and
- 4 (2) Has no accepted medical use in treatment in the United States or
5 lacks accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in
8 Schedule I;

9 (2) Any of the following opiates, including their isomers, esters, ethers,
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,
11 whenever the existence of these isomers, esters, ethers and salts is possible
12 within the specific chemical designation:

- 13 (a) Acetyl-alpha-methylfentanyl;
- 14 (b) Acetylmethadol;
- 15 (c) Allylprodine;
- 16 (d) Alphacetylmethadol;
- 17 (e) Alphameprodine;
- 18 (f) Alphamethadol;
- 19 (g) Alpha-methylfentanyl;
- 20 (h) Alpha-methylthiofentanyl;
- 21 (i) Benzethidine;
- 22 (j) Betacetylmethadol;
- 23 (k) Beta-hydroxyfentanyl;
- 24 (l) Beta-hydroxy-3-methylfentanyl;
- 25 (m) Betameprodine;
- 26 (n) Betamethadol;

- 27 (o) Betaprodine;
28 (p) Clonitazene;
29 (q) Dextromoramide;
30 (r) Diampromide;
31 (s) Diethylthiambutene;
32 (t) Difenoxin;
33 (u) Dimenoxadol;
34 (v) Dimepheptanol;
35 (w) Dimethylthiambutene;
36 (x) Dioxaphetyl butyrate;
37 (y) Dipipanone;
38 (z) Ethylmethylthiambutene;
39 (aa) Etonitazene;
40 (bb) Etoxidine;
41 (cc) Furethidine;
42 (dd) Hydroxypethidine;
43 (ee) Ketobemidone;
44 (ff) Levomoramide;
45 (gg) Levophenacymorphan;
46 (hh) 3-Methylfentanyl;
47 (ii) 3-Methylthiofentanyl;
48 (jj) Morpheridine;
49 (kk) MPPP;
50 (ll) Noracymethadol;
51 (mm) Norlevorphanol;
52 (nn) Normethadone;
53 (oo) Norpipanone;
54 (pp) Para-fluorofentanyl;
55 (qq) PEPAP;
56 (rr) Phenadoxone;
57 (ss) Phenampromide;
58 (tt) Phenomorphan;
59 (uu) Phenoperidine;
60 (vv) Piritramide;
61 (ww) Proheptazine;
62 (xx) Properidine;

- 63 (yy) Propiram;
- 64 (zz) Racemoramide;
- 65 (aaa) Thiofentanyl;
- 66 (bbb) Tilidine;
- 67 (ccc) Trimeperidine;
- 68 (3) Any of the following opium derivatives, their salts, isomers and salts
- 69 of isomers unless specifically excepted, whenever the existence of these salts,
- 70 isomers and salts of isomers is possible within the specific chemical designation:
- 71 (a) Acetorphine;
- 72 (b) Acetyldihydrocodeine;
- 73 (c) Benzylmorphine;
- 74 (d) Codeine methylbromide;
- 75 (e) Codeine-N-Oxide;
- 76 (f) Cyprenorphine;
- 77 (g) Desomorphine;
- 78 (h) Dihydromorphine;
- 79 (i) Drotebanol;
- 80 (j) Etorphine (except hydrochloride salt);
- 81 (k) Heroin;
- 82 (l) Hydromorphanol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methylsulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Myrophine;
- 89 (s) Nicocodeine;
- 90 (t) Nicomorphine;
- 91 (u) Normorphine;
- 92 (v) Pholcodine;
- 93 (w) Thebacon;
- 94 (4) Any material, compound, mixture or preparation which contains any
- 95 quantity of the following hallucinogenic substances, their salts, isomers and salts
- 96 of isomers, unless specifically excepted, whenever the existence of these salts,
- 97 isomers, and salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2, 5-dimethoxyamphetamine;

- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
100 (c) 2,5-dimethoxyamphetamine;
101 (d) 2,5-dimethoxy-4-ethylamphetamine;
102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
103 (f) 4-methoxyamphetamine;
104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
106 (i) 3,4-methylenedioxyamphetamine;
107 (j) 3,4-methylenedioxymethamphetamine;
108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
110 (m) 3,4,5-trimethoxyamphetamine;
111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
112 and salts of isomers;
113 (o) Alpha-ethyltryptamine;
114 (p) Alpha-methyltryptamine;
115 (q) Bufotenine;
116 (r) Diethyltryptamine;
117 (s) Dimethyltryptamine;
118 (t) 5-methoxy-N,N-diisopropyltryptamine;
119 (u) Ibogaine;
120 (v) Lysergic acid diethylamide;
121 (w) Marijuana or marihuana, **except industrial hemp as defined in**
122 **section 195.010;**
123 (x) Mescaline;
124 (y) Parahexyl;
125 (z) Peyote, to include all parts of the plant presently classified botanically
126 as Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any
127 extract from any part of such plant; and every compound, manufacture, salt,
128 derivative, mixture or preparation of the plant, its seed or extracts;
129 (aa) N-ethyl-3-piperidyl benzilate;
130 (bb) N-methyl-3-piperidyl benzilate;
131 (cc) Psilocybin;
132 (dd) Psilocyn;
133 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
134 Cannabis (cannabis plant), **except industrial hemp as defined in section**

135 **195.010**, as well as synthetic equivalents of the substances contained in the
136 cannabis plant, or in the resinous extractives of such plant, or synthetic
137 substances, derivatives, and their isomers with similar chemical structure and
138 pharmacological activity to those substances contained in the plant, such as the
139 following:

- 140 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 142 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 143 d. Any compounds of these structures, regardless of numerical designation
144 of atomic positions covered;
- 145 (ff) Ethylamine analog of phencyclidine;
- 146 (gg) Pyrrolidine analog of phencyclidine;
- 147 (hh) Thiophene analog of phencyclidine;
- 148 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 149 (jj) *Salvia divinorum*;
- 150 (kk) Salvinorin A;
- 151 (ll) Synthetic cannabinoids:
 - 152 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
153 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
154 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
155 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
156 further substituted in the indole ring to any extent, whether or not substituted
157 in the naphthyl ring to any extent. Including, but not limited to:
 - 158 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
 - 159 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
 - 160 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
 - 161 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
 - 162 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
 - 163 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
 - 164 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
 - 165 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
 - 166 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
 - 167 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
 - 168 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
 - 169 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
 - 170 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by

171 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
172 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
173 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
174 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

175 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
176 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
177 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
178 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
179 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

180 d. Any compound structurally derived from 3-phenylacetylindole by
181 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
182 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
183 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
184 ring to any extent, whether or not substituted in the phenyl ring to any
185 extent. Including, but not limited to:

- 186 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 187 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 188 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 189 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 190 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

191 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
192 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
193 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
194 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
195 to any extent. Including, but not limited to:

- 196 (i) CP 47, 497 & homologues, or
197 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side
198 chain n=5, and homologues where side chain n=4,6, or 7;

199 f. Any compound containing a 3-(benzoyl)indole structure with
200 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl,
201 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl
202 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the
203 indole ring to any extent and whether or not substituted in the phenyl ring
204 to any extent. Including, but not limited to:

- 205 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- 206 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

- 207 g. CP 50,556-1, or
208 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6
209 ,6a ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 210 h. HU-210, or
211 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
212 10 a-tetrahydrobenzo[c]chromen-1-ol;
- 213 i. HU-211, or
214 Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-
215 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 216 j. CP 50,556-1, or
217 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6
218 ,6a ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 219 k. Dimethylheptylpyran, or DMHP;
- 220 (5) Any material, compound, mixture or preparation containing any
221 quantity of the following substances having a depressant effect on the
222 central nervous system, including their salts, isomers and salts of isomers
223 whenever the existence of these salts, isomers and salts of isomers is
224 possible within the specific chemical designation:
- 225 (a) Gamma-hydroxybutyric acid;
226 (b) Mecloqualone;
227 (c) Methaqualone;
- 228 (6) Any material, compound, mixture or preparation containing any
229 quantity of the following substances having a stimulant effect on the central
230 nervous system, including their salts, isomers and salts of isomers:
- 231 (a) Aminorex;
232 (b) N-benzylpiperazine;
233 (c) Cathinone;
234 (d) Fenethylamine;
235 (e) 3-Fluoromethcathinone;
236 (f) 4-Fluoromethcathinone;
237 (g) Mephedrone, or 4-methylmethcathinone;
238 (h) Methcathinone;
239 (i) 4-methoxymethcathinone;
240 (j) (+,-)cis-4-methylaminorex((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
241 (k) Methylenedioxypropylamphetamine, MDPV, or
242 (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone);

- 243 (l) Methylone, or 3,4-Methylenedioxyamphetaminone;
244 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
245 (n) N-ethylamphetamine;
246 (o) N,N-dimethylamphetamine;
- 247 (7) A temporary listing of substances subject to emergency scheduling
248 under federal law shall include any material, compound, mixture or
249 preparation which contains any quantity of the following substances:
- 250 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl),
251 its optical isomers, salts and salts of isomers;
- 252 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
253 (thenylfentanyl), its optical isomers, salts and salts of isomers;
- 254 (8) Khat, to include all parts of the plant presently classified
255 botanically as *catha edulis*, whether growing or not; the seeds thereof; any
256 extract from any part of such plant; and every compound, manufacture, salt,
257 derivative, mixture, or preparation of the plant, its seed or extracts.
- 258 3. The department of health and senior services shall place a
259 substance in Schedule II if it finds that:
- 260 (1) The substance has high potential for abuse;
- 261 (2) The substance has currently accepted medical use in treatment in
262 the United States, or currently accepted medical use with severe
263 restrictions; and
- 264 (3) The abuse of the substance may lead to severe psychic or physical
265 dependence.
- 266 4. The controlled substances listed in this subsection are included in
267 Schedule II:
- 268 (1) Any of the following substances whether produced directly or
269 indirectly by extraction from substances of vegetable origin, or
270 independently by means of chemical synthesis, or by combination of
271 extraction and chemical synthesis:
- 272 (a) Opium and opiate and any salt, compound, derivative or
273 preparation of opium or opiate, excluding apomorphine, thebaine-derived
274 butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone,
275 and their respective salts but including the following:
- 276 a. Raw opium;
- 277 b. Opium extracts;
- 278 c. Opium fluid;

- 279 d. Powdered opium;
280 e. Granulated opium;
281 f. Tincture of opium;
282 g. Codeine;
283 h. Ethylmorphine;
284 i. Etorphine hydrochloride;
285 j. Hydrocodone;
286 k. Hydromorphone;
287 l. Metopon;
288 m. Morphine;
289 n. Oxycodone;
290 o. Oxymorphone;
291 p. Thebaine;
- 292 (b) Any salt, compound, derivative, or preparation thereof which is
293 chemically equivalent or identical with any of the substances referred to in
294 this subdivision, but not including the isoquinoline alkaloids of opium;
- 295 (c) Opium poppy and poppy straw;
- 296 (d) Coca leaves and any salt, compound, derivative, or preparation of
297 coca leaves, and any salt, compound, derivative, or preparation thereof which
298 is chemically equivalent or identical with any of these substances, but not
299 including decocainized coca leaves or extractions which do not contain
300 cocaine or ecgonine;
- 301 (e) Concentrate of poppy straw (the crude extract of poppy straw in
302 either liquid, solid or powder form which contains the phenanthrene
303 alkaloids of the opium poppy);
- 304 (2) Any of the following opiates, including their isomers, esters,
305 ethers, salts, and salts of isomers, whenever the existence of these isomers,
306 esters, ethers and salts is possible within the specific chemical designation,
307 dextrorphan and levopropoxyphene excepted:
- 308 (a) Alfentanil;
309 (b) Alphaprodine;
310 (c) Anileridine;
311 (d) Bezitramide;
312 (e) Bulk dextropropoxyphene;
313 (f) Carfentanil;
314 (g) Dihydrocodeine;

- 315 (h) Diphenoxylate;
- 316 (i) Fentanyl;
- 317 (j) Isomethadone;
- 318 (k) Levo-alphaacetylmethadol;
- 319 (l) Levomethorphan;
- 320 (m) Levorphanol;
- 321 (n) Metazocine;
- 322 (o) Methadone;
- 323 (p) Meperidine;
- 324 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
325 4-diphenylbutane;
- 326 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
327 [1-diphenylpropane--carboxylic acid] **1-diphenylpropane-carboxylic acid**;
- 328 (s) Pethidine (meperidine);
- 329 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 330 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 331 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 332 (w) Phenazocine;
- 333 (x) Piminodine;
- 334 (y) Racemethorphan;
- 335 (z) Racemorphan;
- 336 (aa) Remifentanyl;
- 337 (bb) Sufentanyl;
- 338 (cc) Tapentadol;
- 339 (3) Any material, compound, mixture, or preparation which contains
340 any quantity of the following substances having a stimulant effect on the
341 central nervous system:
- 342 (a) Amphetamine, its salts, optical isomers, and salts of its optical
343 isomers;
- 344 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 345 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 346 (d) Phenmetrazine and its salts;
- 347 (e) Methylphenidate;
- 348 (4) Any material, compound, mixture, or preparation which contains
349 any quantity of the following substances having a depressant effect on the
350 central nervous system, including its salts, isomers, and salts of isomers

351 whenever the existence of those salts, isomers, and salts of isomers is
352 possible within the specific chemical designation:

- 353 (a) Amobarbital;
- 354 (b) Glutethimide;
- 355 (c) Pentobarbital;
- 356 (d) Phencyclidine;
- 357 (e) Secobarbital;
- 358 (5) Any material or compound which contains any quantity of
359 nabilone;

360 (6) Any material, compound, mixture, or preparation which contains
361 any quantity of the following substances:

- 362 (a) Immediate precursor to amphetamine and methamphetamine:
363 Phenylacetone;
- 364 (b) Immediate precursors to phencyclidine (PCP):
 - 365 a. 1-phenylcyclohexylamine;
 - 366 b. 1-piperidinocyclohexanecarbonitrile (PCC);

367 (7) Any material, compound, mixture, or preparation which contains
368 any quantity of the following alkyl nitrites:

- 369 (a) Amyl nitrite;
- 370 (b) Butyl nitrite.

371 5. The department of health and senior services shall place a
372 substance in Schedule III if it finds that:

373 (1) The substance has a potential for abuse less than the substances
374 listed in Schedules I and II;

375 (2) The substance has currently accepted medical use in treatment in
376 the United States; and

377 (3) Abuse of the substance may lead to moderate or low physical
378 dependence or high psychological dependence.

379 6. The controlled substances listed in this subsection are included in
380 Schedule III:

381 (1) Any material, compound, mixture, or preparation which contains
382 any quantity of the following substances having a potential for abuse
383 associated with a stimulant effect on the central nervous system:

- 384 (a) Benzphetamine;
- 385 (b) Chlorphentermine;
- 386 (c) Clortermine;

- 387 (d) Phendimetrazine;
- 388 (2) Any material, compound, mixture or preparation which contains
389 any quantity or salt of the following substances or salts having a depressant
390 effect on the central nervous system:
- 391 (a) Any material, compound, mixture or preparation which contains
392 any quantity or salt of the following substances combined with one or more
393 active medicinal ingredients:
- 394 a. Amobarbital;
- 395 b. Secobarbital;
- 396 c. Pentobarbital;
- 397 (b) Any suppository dosage form containing any quantity or salt of
398 the following:
- 399 a. Amobarbital;
- 400 b. Secobarbital;
- 401 c. Pentobarbital;
- 402 (c) Any substance which contains any quantity of a derivative of
403 barbituric acid or its salt;
- 404 (d) Chlorhexadol;
- 405 (e) Embutramide;
- 406 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of
407 isomers contained in a drug product for which an application has been
408 approved under Section 505 of the federal Food, Drug, and Cosmetic Act;
- 409 (g) Ketamine, its salts, isomers, and salts of isomers;
- 410 (h) Lysergic acid;
- 411 (i) Lysergic acid amide;
- 412 (j) Methyprylon;
- 413 (k) Sulfondiethylmethane;
- 414 (l) Sulfonethylmethane;
- 415 (m) Sulfonmethane;
- 416 (n) Tiletamine and zolazepam or any salt thereof;
- 417 (3) Nalorphine;
- 418 (4) Any material, compound, mixture, or preparation containing
419 limited quantities of any of the following narcotic drugs or their salts:
- 420 (a) Not more than 1.8 grams of codeine per one hundred milliliters or
421 not more than ninety milligrams per dosage unit, with an equal or greater
422 quantity of an isoquinoline alkaloid of opium;

423 (b) Not more than 1.8 grams of codeine per one hundred milliliters or
424 not more than ninety milligrams per dosage unit with one or more active,
425 nonnarcotic ingredients in recognized therapeutic amounts;

426 (c) Not more than three hundred milligrams of hydrocodone per one
427 hundred milliliters or not more than fifteen milligrams per dosage unit, with
428 a fourfold or greater quantity of an isoquinoline alkaloid of opium;

429 (d) Not more than three hundred milligrams of hydrocodone per one
430 hundred milliliters or not more than fifteen milligrams per dosage unit, with
431 one or more active nonnarcotic ingredients in recognized therapeutic
432 amounts;

433 (e) Not more than 1.8 grams of dihydrocodeine per one hundred
434 milliliters or not more than ninety milligrams per dosage unit, with one or
435 more active nonnarcotic ingredients in recognized therapeutic amounts;

436 (f) Not more than three hundred milligrams of ethylmorphine per one
437 hundred milliliters or not more than fifteen milligrams per dosage unit, with
438 one or more active, nonnarcotic ingredients in recognized therapeutic
439 amounts;

440 (g) Not more than five hundred milligrams of opium per one hundred
441 milliliters or per one hundred grams or not more than twenty-five
442 milligrams per dosage unit, with one or more active nonnarcotic ingredients
443 in recognized therapeutic amounts;

444 (h) Not more than fifty milligrams of morphine per one hundred
445 milliliters or per one hundred grams, with one or more active, nonnarcotic
446 ingredients in recognized therapeutic amounts;

447 (5) Any material, compound, mixture, or preparation containing any
448 of the following narcotic drugs or their salts, as set forth in subdivision (6)
449 of this subsection; buprenorphine;

450 (6) Anabolic steroids. Any drug or hormonal substance, chemically
451 and pharmacologically related to testosterone (other than estrogens,
452 progestins, corticosteroids, and dehydroepiandrosterone) that promotes
453 muscle growth, except an anabolic steroid which is expressly intended for
454 administration through implants to cattle or other nonhuman species and
455 which has been approved by the Secretary of Health and Human Services for
456 that administration. If any person prescribes, dispenses, or distributes such
457 steroid for human use, such person shall be considered to have prescribed,
458 dispensed, or distributed an anabolic steroid within the meaning of this

459 subdivision. Unless specifically excepted or unless listed in another
460 schedule, any material, compound, mixture or preparation containing any
461 quantity of the following substances, including its salts, esters and ethers:

- 462 (a) 3 β ,17-dihydroxy-5 α -androstane;
463 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
464 (c) 5 α -androstan-3,17-dione;
465 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
466 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
467 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
468 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
469 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
470 (i) 4-androstenedione (androst-4-en-3,17-dione);
471 (j) 5-androstenedione (androst-5-en-3,17-dione);
472 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
473 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
474 (m) Boldione;
475 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
476 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
477 (p) D e h y d r o c h l o r o m e t h y l t e s t o s t e r o n e
478 (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
479 (q) Desoxymethyltestosterone;
480 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
481 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
482 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
483 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
484 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
485 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
486 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
487 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
488 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
489 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
490 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);
491 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
492 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
493 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
494 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);

- 495 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androsterane);
496 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androsterane);
497 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
498 (jj) 17 α -methyl-4-hydroxynandrolone
499 (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
500 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
501 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
502 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
503 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
504 (oo) 17 α -methyl- Δ 1-dihydrotestosterone
505 (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a.
506 '17 α -methyl-1-testosterone');
507 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
508 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
509 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
510 (ss) 19-nor-4,9(10)-androstadienedione;
511 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
512 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
513 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
514 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
515 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
516 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
517 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
518 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
519 (bbb) Oxandrolone
520 (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
521 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
522 (ddd) Oxymethalone
523 (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);
524 (eee) Stanozolol
525 (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
526 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
527 (ggg) Testolactone
528 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
529 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
530 (iii) Tetrahydrogestrinone

531 (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);

532 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);

533 (kkk) Any salt, ester, or ether of a drug or substance described or
534 listed in this subdivision, except an anabolic steroid which is expressly
535 intended for administration through implants to cattle or other nonhuman
536 species and which has been approved by the Secretary of Health and Human
537 Services for that administration;

538 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft
539 gelatin capsule in a United States Food and Drug Administration approved
540 drug product;

541 (8) The department of health and senior services may except by rule
542 any compound, mixture, or preparation containing any stimulant or
543 depressant substance listed in subdivisions (1) and (2) of this subsection
544 from the application of all or any part of sections 195.010 to 195.320 if the
545 compound, mixture, or preparation contains one or more active medicinal
546 ingredients not having a stimulant or depressant effect on the central
547 nervous system, and if the admixtures are included therein in combinations,
548 quantity, proportion, or concentration that vitiate the potential for abuse of
549 the substances which have a stimulant or depressant effect on the central
550 nervous system.

551 7. The department of health and senior services shall place a
552 substance in Schedule IV if it finds that:

553 (1) The substance has a low potential for abuse relative to substances
554 in Schedule III;

555 (2) The substance has currently accepted medical use in treatment in
556 the United States; and

557 (3) Abuse of the substance may lead to limited physical dependence
558 or psychological dependence relative to the substances in Schedule III.

559 8. The controlled substances listed in this subsection are included in
560 Schedule IV:

561 (1) Any material, compound, mixture, or preparation containing any
562 of the following narcotic drugs or their salts calculated as the free anhydrous
563 base or alkaloid, in limited quantities as set forth below:

564 (a) Not more than one milligram of difenoxin and not less than
565 twenty-five micrograms of atropine sulfate per dosage unit;

566 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,

567 2-diphenyl-3-methyl-2-propionoxybutane);

568 (c) Any of the following limited quantities of narcotic drugs or their
569 salts, which shall include one or more nonnarcotic active medicinal
570 ingredients in sufficient proportion to confer upon the compound, mixture or
571 preparation valuable medicinal qualities other than those possessed by the
572 narcotic drug alone:

573 a. Not more than two hundred milligrams of codeine per one hundred
574 milliliters or per one hundred grams;

575 b. Not more than one hundred milligrams of dihydrocodeine per one
576 hundred milliliters or per one hundred grams;

577 c. Not more than one hundred milligrams of ethylmorphine per one
578 hundred milliliters or per one hundred grams;

579 (2) Any material, compound, mixture or preparation containing any
580 quantity of the following substances, including their salts, isomers, and salts
581 of isomers whenever the existence of those salts, isomers, and salts of
582 isomers is possible within the specific chemical designation:

583 (a) Alprazolam;

584 (b) Barbital;

585 (c) Bromazepam;

586 (d) Camazepam;

587 (e) Chloral betaine;

588 (f) Chloral hydrate;

589 (g) Chlordiazepoxide;

590 (h) Clobazam;

591 (i) Clonazepam;

592 (j) Clorazepate;

593 (k) Clotiazepam;

594 (l) Cloxazolam;

595 (m) Delorazepam;

596 (n) Diazepam;

597 (o) Dichloralphenazone;

598 (p) Estazolam;

599 (q) Ethchlorvynol;

600 (r) Ethinamate;

601 (s) Ethyl loflazepate;

602 (t) Fludiazepam;

- 603 (u) Flunitrazepam;
604 (v) Flurazepam;
605 (w) Fospropofol;
606 (x) Halazepam;
607 (y) Haloxazolam;
608 (z) Ketazolam;
609 (aa) Loprazolam;
610 (bb) Lorazepam;
611 (cc) Lormetazepam;
612 (dd) Mebutamate;
613 (ee) Medazepam;
614 (ff) Meprobamate;
615 (gg) Methohexital;
616 (hh) Methylphenobarbital (mephobarbital);
617 (ii) Midazolam;
618 (jj) Nimetazepam;
619 (kk) Nitrazepam;
620 (ll) Nordiazepam;
621 (mm) Oxazepam;
622 (nn) Oxazolam;
623 (oo) Paraldehyde;
624 (pp) Petrichloral;
625 (qq) Phenobarbital;
626 (rr) Pinazepam;
627 (ss) Prazepam;
628 (tt) Quazepam;
629 (uu) Temazepam;
630 (vv) Tetrazepam;
631 (ww) Triazolam;
632 (xx) Zaleplon;
633 (yy) Zolpidem;
634 (zz) Zopiclone;
635 (3) Any material, compound, mixture, or preparation which contains
636 any quantity of the following substance including its salts, isomers and salts
637 of isomers whenever the existence of such salts, isomers and salts of isomers
638 is possible: fenfluramine;

639 (4) Any material, compound, mixture or preparation containing any
640 quantity of the following substances having a stimulant effect on the central
641 nervous system, including their salts, isomers and salts of isomers:

- 642 (a) Cathine ((+)-norpseudoephedrine);
- 643 (b) Diethylpropion;
- 644 (c) Fencamfamin;
- 645 (d) Fenproporex;
- 646 (e) Mazindol;
- 647 (f) Mefenorex;
- 648 (g) Modafinil;
- 649 (h) Pemoline, including organometallic complexes and chelates
650 thereof;
- 651 (i) Phentermine;
- 652 (j) Pipradrol;
- 653 (k) Sibutramine;
- 654 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

655 (5) Any material, compound, mixture or preparation containing any
656 quantity of the following substance, including its salts:

- 657 (a) butorphanol;
- 658 (b) pentazocine;
- 659 (6) Ephedrine, its salts, optical isomers and salts of optical isomers,
660 when the substance is the only active medicinal ingredient;

661 (7) The department of health and senior services may except by rule
662 any compound, mixture, or preparation containing any depressant substance
663 listed in subdivision (1) of this subsection from the application of all or any
664 part of sections 195.010 to 195.320 if the compound, mixture, or preparation
665 contains one or more active medicinal ingredients not having a depressant
666 effect on the central nervous system, and if the admixtures are included
667 therein in combinations, quantity, proportion, or concentration that vitiate
668 the potential for abuse of the substances which have a depressant effect on
669 the central nervous system.

670 9. The department of health and senior services shall place a
671 substance in Schedule V if it finds that:

- 672 (1) The substance has low potential for abuse relative to the
673 controlled substances listed in Schedule IV;
- 674 (2) The substance has currently accepted medical use in treatment in

675 the United States; and

676 (3) The substance has limited physical dependence or psychological
677 dependence liability relative to the controlled substances listed in Schedule
678 IV.

679 10. The controlled substances listed in this subsection are included
680 in Schedule V:

681 (1) Any compound, mixture or preparation containing any of the
682 following narcotic drugs or their salts calculated as the free anhydrous base
683 or alkaloid, in limited quantities as set forth below, which also contains one
684 or more nonnarcotic active medicinal ingredients in sufficient proportion to
685 confer upon the compound, mixture or preparation valuable medicinal
686 qualities other than those possessed by the narcotic drug alone:

687 (a) Not more than two and five-tenths milligrams of diphenoxylate
688 and not less than twenty-five micrograms of atropine sulfate per dosage unit;

689 (b) Not more than one hundred milligrams of opium per one hundred
690 milliliters or per one hundred grams;

691 (c) Not more than five-tenths milligram of difenoxin and not less than
692 twenty-five micrograms of atropine sulfate per dosage unit;

693 (2) Any material, compound, mixture or preparation which contains
694 any quantity of the following substance having a stimulant effect on the
695 central nervous system including its salts, isomers and salts of isomers:
696 pyrovalerone;

697 (3) Any compound, mixture, or preparation containing any detectable
698 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
699 isomers or any compound, mixture, or preparation containing any detectable
700 quantity of ephedrine or its salts or optical isomers, or salts of optical
701 isomers;

702 (4) Unless specifically exempted or excluded or unless listed in
703 another schedule, any material, compound, mixture, or preparation which
704 contains any quantity of the following substances having a depressant effect
705 on the central nervous system, including its salts:

706 (a) Lacosamide;

707 (b) Pregabalin.

708 11. If any compound, mixture, or preparation as specified in
709 subdivision (3) of subsection 10 of this section is dispensed, sold, or
710 distributed in a pharmacy without a prescription:

711 (1) All packages of any compound, mixture, or preparation containing
712 any detectable quantity of pseudoephedrine, its salts or optical isomers, or
713 salts of optical isomers or ephedrine, its salts or optical isomers, or salts of
714 optical isomers, shall be offered for sale only from behind a pharmacy
715 counter where the public is not permitted, and only by a registered
716 pharmacist or registered pharmacy technician; and

717 (2) Any person purchasing, receiving or otherwise acquiring any
718 compound, mixture, or preparation containing any detectable quantity of
719 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
720 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at
721 least eighteen years of age; and

722 (3) The pharmacist, intern pharmacist, or registered pharmacy
723 technician shall require any person, prior to their purchasing, receiving or
724 otherwise acquiring such compound, mixture, or preparation to furnish
725 suitable photo identification that is issued by a state or the federal
726 government or a document that, with respect to identification, is considered
727 acceptable and showing the date of birth of the person;

728 (4) The seller shall deliver the product directly into the custody of the
729 purchaser.

730 12. Pharmacists, intern pharmacists, and registered pharmacy
731 technicians shall implement and maintain an electronic log of each
732 transaction. Such log shall include the following information:

733 (1) The name, address, and signature of the purchaser;

734 (2) The amount of the compound, mixture, or preparation purchased;

735 (3) The date and time of each purchase; and

736 (4) The name or initials of the pharmacist, intern pharmacist, or
737 registered pharmacy technician who dispensed the compound, mixture, or
738 preparation to the purchaser.

739 13. Each pharmacy shall submit information regarding sales of any
740 compound, mixture, or preparation as specified in subdivision (3) of
741 subsection 10 of this section in accordance with transmission methods and
742 frequency established by the department by regulation;

743 14. No person shall dispense, sell, purchase, receive, or otherwise
744 acquire quantities greater than those specified in this chapter.

745 15. All persons who dispense or offer for sale pseudoephedrine and
746 ephedrine products in a pharmacy shall ensure that all such products are

747 located only behind a pharmacy counter where the public is not permitted.

748 16. Any person who knowingly or recklessly violates the provisions
749 of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

750 17. The scheduling of substances specified in subdivision (3) of
751 subsection 10 of this section and subsections 11, 12, 14, and 15 of this
752 section shall not apply to any compounds, mixtures, or preparations that are
753 in liquid or liquid-filled gel capsule form or to any compound, mixture, or
754 preparation specified in subdivision (3) of subsection 10 of this section which
755 must be dispensed, sold, or distributed in a pharmacy pursuant to a
756 prescription.

757 18. The manufacturer of a drug product or another interested party
758 may apply with the department of health and senior services for an
759 exemption from this section. The department of health and senior services
760 may grant an exemption by rule from this section if the department finds the
761 drug product is not used in the illegal manufacture of methamphetamine or
762 other controlled or dangerous substances. The department of health and
763 senior services shall rely on reports from law enforcement and law
764 enforcement evidentiary laboratories in determining if the proposed product
765 can be used to manufacture illicit controlled substances.

766 19. The department of health and senior services shall revise and
767 republish the schedules annually.

768 20. The department of health and senior services shall promulgate
769 rules under chapter 536 regarding the security and storage of Schedule V
770 controlled substances, as described in subdivision (3) of subsection 10 of this
771 section, for distributors as registered by the department of health and senior
772 services.

773 21. Logs of transactions required to be kept and maintained by this
774 section and section 195.417 shall create a rebuttable presumption that the
775 person whose name appears in the logs is the person whose transactions are
776 recorded in the logs.

**195.203. Notwithstanding any other provision of this chapter
2 or chapter 579 to the contrary, it shall be legal for any person who:**

3 **(1) Maintains a permanent place of abode in this state where**
4 **he or she intends to remain permanently or at least for an**
5 **indefinite period of time;**

6 **(2) Has not been convicted of any felony offense or any**

7 misdemeanor drug related offense; and

8 (3) Has a valid industrial hemp license as provided under
9 sections 195.600 to 195.606;

10 to grow and cultivate industrial hemp as defined in section 195.010
11 in accordance with the requirements of sections 195.600 to 195.606.

195.600. For the purposes of sections 195.600 to 195.606, the
2 following terms shall mean:

3 (1) "Agricultural hemp seed", cannabis sativa seed that meets
4 any labeling, quality, or other standards set by the department of
5 agriculture and that is intended for sale, is sold to, or is purchased
6 by licensed growers for planting;

7 (2) "Crop", any contiguous field of industrial hemp grown
8 under a single license;

9 (3) "Department", the Missouri department of agriculture;

10 (4) "Grower", a person, joint venture, or cooperative that
11 produces industrial hemp;

12 (5) "Handler", a person, joint venture, or cooperative that
13 receives industrial hemp for processing into commodities, products,
14 or agricultural hemp seed;

15 (6) "Industrial hemp", the same as such term is defined in
16 section 195.010;

17 (7) "Industrial hemp plant monitoring system", an electronic
18 seed-to-sale tracking system that includes, but is not limited to,
19 testing and data collection established and maintained by a grower
20 or handler and available to the department for purposes of
21 documenting and for monitoring agricultural hemp seed and
22 industrial hemp plant development throughout the life cycle of an
23 industrial hemp plant cultivated as an agricultural product from
24 seed planting to final packaging.

195.603. 1. Industrial hemp production, possession, and
2 commerce in industrial hemp commodities and products shall be
3 permitted in this state pursuant to the provisions of sections
4 195.600 to 195.606.

5 2. Industrial hemp shall be an agricultural product that is
6 subject to regulation by the department of agriculture, including
7 compliance with an industrial hemp plant monitoring system. Any
8 grower and handler of industrial hemp shall obtain a license from

9 the department. Growers and handlers engaged in the production
10 of agricultural hemp seed also shall have an agricultural hemp seed
11 production permit.

12 3. An application for an industrial hemp license or
13 agricultural hemp seed production permit shall include:

14 (1) The name and address of the applicant;

15 (2) The name and address of the industrial hemp operation of
16 the applicant;

17 (3) The global positioning system coordinates and legal
18 description for the property used for the industrial hemp;

19 (4) If the industrial hemp license or agricultural hemp seed
20 production permit application is by the grower, information
21 sufficient to establish that the industrial hemp crop of the
22 applicant will be at least two and one-half acres in size; and

23 (5) The application fee, as determined by the department, in
24 an amount sufficient to cover the administrative costs of processing
25 license and permit applications; and

26 (6) Any other information required by the department.

27 4. The department shall issue a license or permit under this
28 section to an applicant who meets the requirements of sections
29 195.600 to 195.606 and upon satisfactory completion of a fingerprint
30 criminal history background check. The department may charge
31 applicants a fee for the cost of the fingerprint criminal history
32 background check. A license or permit shall not be issued to a
33 person who received a suspended imposition of sentence for a
34 felony offense in the five years immediately preceding the
35 application date or a person who at any time has been found guilty
36 of a felony offense under any state or federal law regarding the
37 possession, distribution, manufacturing, cultivation, or use of a
38 controlled substance; except that, the department may grant a
39 license or permit if the person received a suspended imposition of
40 sentence for a felony offense under state law based on possession
41 or use of a controlled substance if the offense would not be
42 considered a felony offense in the state on the date he or she
43 applied for a license or permit.

44 5. Upon issuance of a license or permit, information
45 regarding all license and permit holders shall be forwarded to the

46 state highway patrol.

47 **6. An industrial hemp license or agricultural hemp seed**
48 **production permit is nontransferable and valid for a three-year**
49 **term unless revoked by the department and may be renewed as**
50 **determined by the department.**

51 **7. An agricultural hemp seed production permit authorizes a**
52 **grower or handler to produce and handle agricultural hemp seed**
53 **for sale to licensed industrial hemp growers and handlers. The**
54 **department shall make information that identifies sellers of**
55 **agricultural hemp seed available to growers, and any seller of**
56 **agricultural hemp seed shall ensure that the seed complies with any**
57 **standards established by the department.**

58 **8. A grower may retain seed from each industrial hemp crop**
59 **to ensure a sufficient supply of seed for that grower for the**
60 **following year. A grower shall not be required to obtain an**
61 **agricultural hemp seed production permit in order to retain seed**
62 **for future planting. Any seed retained by a grower for future**
63 **planting shall not be sold or transferred and does not have to meet**
64 **agricultural hemp seed standards established by the department.**

65 **9. Every grower or handler shall be subject to an industrial**
66 **hemp plant monitoring system and shall keep industrial hemp crop**
67 **and agricultural hemp seed records as required by the**
68 **department. Upon three days' notice, the department may require**
69 **an inspection or audit during any normal business hours for the**
70 **purpose of ensuring compliance with:**

71 **(1) Any provision of this chapter;**

72 **(2) Department rules and regulations;**

73 **(3) Industrial hemp license or agricultural hemp seed**
74 **production permit requirements, terms, or conditions;**

75 **(4) Any industrial hemp plant monitoring system; or**

76 **(5) A final department order directed to the grower's or**
77 **handler's industrial hemp operations or activities.**

78 **10. In addition to any inspection conducted under subsection**
79 **9 of this section, the department may inspect any industrial hemp**
80 **crop during the crop's growth phase and take a representative**
81 **composite sample for field analysis. If a crop contains an average**
82 **tetrahydrocannabinol concentration exceeding three-tenths of one**

83 percent on a dry weight basis, the department may detain, seize, or
84 embargo the crop.

85 11. The department may charge growers and handlers
86 reasonable fees as determined by the department for the purpose of
87 carrying out the duties of the department under sections 195.600 to
88 195.606. All fees collected under sections 195.600 to 195.606 shall be
89 deposited in a dedicated fund for use by the department to carry
90 out the duties of the department under sections 195.600 to 195.606.

91 12. The department may promulgate rules necessary to
92 administer the provisions of sections 195.600 to 195.606. Any rule
93 or portion of a rule, as that term is defined in section 536.010, that
94 is created under the authority delegated in this section shall
95 become effective only if it complies with and is subject to all of the
96 provisions of chapter 536 and, if applicable, section
97 536.028. Sections 195.600 to 195.606 and chapter 536 are
98 nonseverable, and if any of the powers vested with the general
99 assembly under chapter 536 to review, to delay the effective date,
100 or to disapprove and annul a rule are subsequently held
101 unconstitutional, then the grant of rulemaking authority and any
102 rule proposed or adopted after August 28, 2014, shall be invalid and
103 void.

195.606. 1. The department may revoke or refuse to issue or
2 renew an industrial hemp license or agricultural hemp seed
3 production permit and may impose a civil penalty of not less than
4 two thousand five hundred dollars or more than fifty thousand
5 dollars for violation of:

- 6 (1) A license or permit requirement, term, or condition;
- 7 (2) Department rules relating to growing or handling
8 industrial hemp;
- 9 (3) Any industrial hemp plant monitoring system; or
- 10 (4) A final order of the department that is specifically
11 directed to the grower's or handler's industrial hemp operations or
12 activities.

13 2. In addition, the department may revoke or refuse to issue
14 or renew an industrial hemp license or an agricultural hemp seed
15 production permit for failing to comply with any provision of this
16 chapter or for a violation of any rule of the department that

17 pertains to agricultural operations or activities other than
18 industrial hemp growing or handling.

579.087. 1. A person commits the offense of unlicensed
2 industrial hemp production if he or she does not have a valid
3 industrial hemp license issued pursuant to sections 195.600 to
4 195.606 and:

5 (1) Possesses or has under his or her control any amount of
6 industrial hemp as the term "industrial hemp" is defined under
7 section 195.010; or

8 (2) Distributes, delivers, manufactures, or produces any
9 amount of industrial hemp.

10 2. The offense of unlicensed industrial hemp production
11 under subdivision (1) of subsection 1 of this section, unless the
12 amount of industrial hemp is thirty-five grams or less, is a class C
13 felony until December 31, 2016, and a class D felony beginning
14 January 1, 2017.

15 3. The offense of unlicensed industrial hemp production
16 under subdivision (1) of subsection 1 of this section with respect to
17 not more than thirty-five grams is a class A misdemeanor.

18 4. The offense of unlicensed industrial hemp production
19 under subdivision (1) of subsection 1 of this section if the quantity
20 involved is more than thirty kilograms but less than one hundred
21 kilograms is a class B felony until December 31, 2016, and a class C
22 felony beginning January 1, 2017.

23 5. The offense of unlicensed industrial hemp production
24 under subdivision (1) of subsection 1 of this section if the quantity
25 involved is more than one hundred kilograms is a class A felony
26 until December 31, 2016, and a class B felony beginning January 1,
27 2017.

28 6. The offense of unlicensed industrial hemp production
29 under subdivision (2) of subsection 1 of this section, unless the
30 amount of industrial hemp is thirty-five grams or less, is a class B
31 felony until December 31, 2016, and a class C felony beginning
32 January 1, 2017.

33 7. The offense of unlicensed industrial hemp production
34 under subdivision (2) of subsection 1 of this section with respect to
35 not more than thirty-five grams is a class C felony until December

36 31, 2016, and a class E felony beginning January 1, 2017.

37 8. The offense of unlicensed industrial hemp production
38 under subdivision (2) of subsection 1 of this section if the quantity
39 involved is more than thirty kilograms but less than one hundred
40 kilograms is a class A felony until December 31, 2016, and a class B
41 felony beginning January 1, 2017.

42 9. The offense of unlicensed industrial hemp production
43 under subdivision (2) of subsection 1 of this section if the quantity
44 involved is more than one hundred kilograms is a class A felony to
45 be served without eligibility for probation or parole until December
46 31, 2016, and a class A felony beginning January 1, 2017.

✓

Bill

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